

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

Effective September 1, 2019

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

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, 2019, 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 24th day of June, 2019.


KATHRYN C. LORING, Judge

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

Effective September 1, 2019

1. INTRODUCTORY (Rules 1-2A)

LCR 1. SCOPE OF RULES

Unless specifically designated otherwise, these rules shall supplement the Washington Court Rules for superior and juvenile court and shall govern the local procedure in San Juan County Superior Court and San Juan County Juvenile Court. These rules are subject to amendment at the direction of the judge, Counsel and litigants should check with the Court Administrator or county Clerk to assure that the rules applicable to their matters are currently in effect.

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(c).

(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.*

(i) Discovery requests and responses, including documents produced in response to discovery requests, are expressly excepted from this rule, and may only be served by email or other electronic means by stipulation of the parties.

(ii) 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 five (5) 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, 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.

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 must contain the following:

(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.

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 Court Administrator. The moving party shall arrange the hearing after conferring with opposing counsel or a self-represented party with regard to conflicts.

(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 required to be served on the opposing party or a self-represented party as provided in the court rules or local rules herein.

(1) *Caption.* The upper right hand corner of the first page of each courtesy copy shall contain the words "Judge's Courtesy Copy," or similar words, and the date and time of the hearing.

(2) *Delivery.* It is the court's preference that all courtesy copies for the judge be mailed or personally delivered to the Court Administrator. If time does not permit mailing or personal delivery, the filing party shall contact the Court Administrator at (360) 370-7480. The court reserves the right to charge a reasonable fee for fax or email copies. Do not fax or email without prior permission from the Court Administrator.

(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 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.

(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) **Jurisdictional Declaration in Dissolution Cases.** If a decree is entered under RCW 26.09 by joinder, agreement, or default, an attorney representing the petitioner or the respondent may 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. If both parties are self-represented, one party's testimony through personal appearance in court is required.

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 good cause shown. 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).

(n) **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."

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

(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.

LCR 10. FORM OF PLEADINGS AND OTHER PAPERS.

(a) – (b) *(No Local Rules)*

(c) **Form.**

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

(2) 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.

(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."**

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.

LCR 12 – 15 *(No Local Rules)*

LCR 16. PRETRIAL PROCEDURE AND FORMULATING ISSUES

(a) – (b) *(No Local Rules)*

(c) **Pretrial Readiness.**

(1) *Time.* The 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, 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 CR 26-27, 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 promptly supplement responses to discovery rules or otherwise comply with discovery no later than the scheduled date of the pretrial readiness hearing.

(4) *Statement of Readiness for Trial.* If there are no matters to be resolved by the court, and where all parties are represented by counsel, parties need not appear for the readiness hearing, *provided* the party has certified his or her readiness for trial with a written statement of readiness for trial filed with the court using the form set forth in **Appendix E**, *and* has received confirmation from the Court Administrator that the party's personal court appearance is waived or that the party may appear via CourtCall. In cases where one or more of the parties is unrepresented by counsel, the hearing shall take place and no party to such proceeding may file a statement of readiness in lieu of in-person or telephonic appearance.

(d) **Settlement Conference.** Except as provided in SPR 94.08.3, any party in a civil action may schedule a pretrial settlement conference through the Court Administrator. Settlement conferences will be scheduled by the Court Administrator if at all possible given scheduling limitations, including judge availability.

(1) *Conference Judge.* The settlement conference shall be before a judge who has not been assigned to preside at any subsequent trial, or an attorney mediator agreed to by the parties.

(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) days prior to the conference.

4. PARTIES (Rules 17-25)

(No Local Rules)

5. DEPOSITIONS AND DISCOVERY (Rules 26-37)

(No Local Rules)

6. TRIALS (Rules 38-53.2)

LCR 38. TRIAL BY JURY OR BY THE COURT

(a) – (h) *(No Local Rules)*

(i) Trial Briefs and Required Documents.

(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) *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.

LCR 39. [RESERVED]

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 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 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 upon presentation of an order to the court.

(f) *(No Local Rules)*

(g) **Settlement of Cases Set for Trial**. Notice shall be given immediately to the 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 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.

LCR 41 – 42 *(No Local Rules)*

LCR 43. TAKING OF TESTIMONY; EXHIBITS

(a) – (k) *(No Local Rules)*

(l) **Matters Not Reported**. 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 a tape recording;

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

(m) **Trial Exhibits.**

(1) *Marked in Advance of Trial Date.* In all contested matters, the parties shall cause all exhibits, except such exhibits as are intended for impeachment purposes, to be marked for identification by the Clerk in advance of the trial date; provided that a party may present exhibits for marking on the day of trial if the number of exhibits to be marked is ten (10) or fewer and the exhibits are provided for marking at least one (1) hour before the start of the trial. An exhibit list, without exhibit numbers filled in, shall be given to the Clerk when the exhibits are presented for marking.

(2) *Copies.* Copies of all documents offered as exhibits, except large maps or drawings, shall be prepared and presented to opposing counsel, any self-represented parties and to the judge at such time as the exhibits are offered into evidence; provided that, with the permission of the other party, the judge's courtesy copies may be provided before or at the commencement of the trial.

(3) *Withdrawal of Exhibits.* After final judgment, if the time for appeal has elapsed and no appeal has been taken, the court, upon application of any party or other person entitled to the possession of one or more exhibits, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(4) *Return or Destruction of Exhibits.* 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. The court shall enter an order accordingly.

(5) *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 conference tapes or audio tapes shall have a transcript filed in addition to the video or audio tape.

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) – (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. 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 orders otherwise.

LCR 53 – 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 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 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 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 in a case 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 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.** Parties must provide courtesy copies of motions for reconsideration, and any response/reply requested, at the time of filing.

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

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 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)

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, and a visiting judge has been assigned to hear the case, all hearings and trial dates shall be scheduled with the San Juan County Superior Court Administrator.

(2) For motions to be heard on the criminal or civil law and motion calendar and for special set motions, counsel or self-represented parties shall notify the Court Administrator before the motion is filed in order to determine if the visiting judge can be scheduled to either be present in San Juan County or be available for a telephonic hearing on the requested date. For non-dispositive motions where no live testimony is required, the visiting judge may appear by phone, unless the parties choose to appear in the visiting judge's courtroom. If parties wish to have a motion heard by the visiting judge in the visiting judge's own courtroom, they shall schedule such motions through the Court Administrator, as it will most likely be at a date and time other than the regular motion calendar for San Juan County.

(3) For dispositive motions or hearings where live testimony is required, the Court Administrator shall attempt to arrange for the visiting judge to appear personally in the San Juan County Superior Court Courtroom to hear the motion. In the event the judge is not able to appear personally, counsel or self-represented parties may appear in the San Juan County Superior Court Courtroom; appear telephonically, where allowed by these rules; or appear personally before the judge in that judge's courtroom. Where live testimony is required, the parties are required to appear in the visiting judge's courtroom if he or she cannot appear in San Juan County.

(4) Trials shall be held in San Juan County, absent court approval and agreement of the parties.

(5) Telephonic appearances by the visiting judge shall be arranged by the Court Administrator. Telephonic appearances by counsel or self-represented parties must be arranged by counsel or the parties.

(6) Counsel or self-represented parties are responsible to provide courtesy copies of their pleadings to the Court Administrator, who shall provide the courtesy copies to the visiting judge.

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

- (i) Calendaring and jury management;
- (ii) Supervision and direction of the work of the court employees;
- (iii) Preparation and administration of the budget of the court;
- (iv) Assistance in representing the court regarding court management matters.

(q) **Office Hours.** Office hours for the 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.

(r) **Court Schedule.**

Monday:

- 9:30 am: Criminal Law and Motion
- 11:00 am - 12 noon: Therapeutic Court team meeting (1st and 3rd Mondays)
- 1:15 pm: Ex Parte matters
- 1:15 pm: Therapeutic Court (1st and 3rd Mondays)
- 1:15 pm: Dependency Calendar (2nd and 4th Mondays)
- 2:30 pm: Juvenile Criminal Calendar
- 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 on Monday afternoons, Tuesday mornings, or as otherwise agreed, depending upon schedules of the parties and as confirmed with the Court Administrator per LCrR 8.2(c).

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

(3) *Dependency Calendar.* Dependency matters shall be heard on the 2nd and 4th Monday of each month, beginning at 1:15 p.m.

(4) *Juvenile Criminal Matters.* All juvenile offender matters other than fact finding hearings shall be heard on Mondays, beginning at 2:30 p.m., or as soon thereafter as the court is available.

(5) *Juvenile Civil Matters.* All juvenile civil matters (proceedings under Chapter 13.32A, 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 Court Administrator on Tuesdays through Thursdays. 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.

Friday:

- 8:30 am: Protection Order Calendar
- 10:30 am: Ex parte matters; Civil Law and Motion Calendar
- 1:15 pm: Ex Parte matters
- 1:30 pm: Special set hearings

(1) *Protection Order Matters.* Domestic violence matters under Chapter 26.50, RCW; sexual assault matters under Chapter 7.90, RCW; stalking matters under Chapter 7.92, RCW; abuse of vulnerable adult matters under Chapter 74.34, RCW; extreme risk matters under Chapter 7.94; and those antiharassment matters transferred to Superior Court pursuant to RCW 10.14.150, shall be heard on Friday of each week, beginning at 8:30 a.m., or as otherwise specially set with the Court Administrator.

(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) 1:30 p.m. Motions for summary judgment, show cause hearings in unlawful detainer matters, and all other special set matters [per LCR 8(g)] scheduled in advance through the Court Administrator's office.

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. Ex Parte matters may be presented to the judge in chambers Tuesday through Friday at 1:15p.m. and Mondays at 1:15p.m. and Fridays at 10:30 a.m. in the courtroom prior to the regularly scheduled calendars. 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 Court Administrator's office to schedule 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 30 minutes in advance to the County Clerk and the Court Administrator.

LCR 78. CLERKS

(a) – (f) *(No Local Rules)*

(g) **Signing Out Court Files.** Any file signed out from the County Clerk's Office by a local attorney or title company shall be returned and signed in within five (5) days, or immediately if so requested by a judge, court commissioner or Clerk. Nonresident attorneys or title companies may withdraw files only upon an order based upon such application signed by the court. The court file shall not be taken apart for any purpose, except with the express consent of the County Clerk.

(h) **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.

(i) **Facsimile Filing of Pleadings With Clerk.** Documents, including pleadings, may be filed with the Clerk by facsimile transmission, in accordance with GR 17.

LCR 79 – 80 *(No Local Rules)*

11. GENERAL PROVISIONS (Rules 81-87)

LCR 81-83 *(No Local Rules)*

LCR 84. 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 Court Administrator immediately upon the filing of an application, and the time and place of the hearing shall be set by the Court Administrator at the earliest date compatible with the foregoing factors.

LCR 85-86 *(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 "Courtroom 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.

PART II
LOCAL RULES for SPECIAL PROCEEDINGS (SPR)
SAN JUAN COUNTY

Effective September 1, 2019

SPR 94.08.1. FILINGS IN FAMILY LAW CASES

(a) **Application of Rule.** This rule shall apply to all of the following types of cases:

- (1) Family law petitions seeking dissolution of marriage, legal separation, or declaration of invalidity;
- (2) Actions brought by parties to non-marital relationships involving parenting or distribution of assets/liabilities;
- (3) Petitions for non-parental custody;
- (4) Petitioner for relative visitation; and
- (5) Petitions or motions for modification of any final documents in matters set forth above.

(b) **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.

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 court 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) **BACKGROUND INFORMATION.** Before entering any order regarding custody of a child in a non-parental action for child custody the Petitioner(s) shall comply with the requirements of RCW 26.10.135(2).

SPR 94.08.2. PARENTING SEMINARS

(a) **Applicable Cases.** This rule shall apply to all cases under Chapter 26.09, 26.10, or 26.26 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, both 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 parent 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.**]

SPR 94.08.3. MANDATORY MEDIATION

(a) **Mediation in Contested Cases.** Except as provided in Section (b) below, in all cases specified in Section (a) of SPR 94.08.1 having unresolved issues, both parties shall in good faith engage in mediation with a court-approved mediator 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 described in SPR 94.08.2. 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 in any case specified by Section (a) of SPR 94.08.1, the parties may participate in a settlement conference, pursuant to LCR 16(b).

(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 Administrator shall maintain a list of approved mediators, either persons or agencies, for distribution to the public. The list shall contain the following information: each mediator's name, organization, if any, address and telephone number, and fee schedule. The parties are not required to use a mediator on said list.

(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.

SPR 94.08.4. COURTCALL TELEPHONIC APPEARANCE RULE

(a) Program Overview.

(1) The CourtCall Telephonic Appearance Program ("CourtCall"), 1-888-882-6878, organizes a procedure for telephonic appearance by attorneys or self-represented parties as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no person is required to utilize CourtCall. CourtCall is available at a fixed fee to use when circumstances are appropriate.

(2) Hearings will be held on a specific calendar in the usual manner, unless the court exercises its discretion to call cases in a different order.

(3) Hearings are conducted in open court or in private as the court may designate. All attorneys or self-represented parties making CourtCall Appearances call a designated toll free teleconference number a few minutes before the calendar is scheduled, to check in with the Clerk. Attorneys or self-represented parties remain on the court's speakerphone-telephone line and hear the same business that those present in the court may be hearing. Attorneys or self-represented parties not participating telephonically appear in person. The court calls cases for hearing. All attorneys or self-represented parties on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances.

(4) CourtCall Appearances are scheduled, in writing, in advance, by counsel or self-represented parties serving on all other counsel and self-represented parties and delivering (via fax, mail, or personal

delivery) to CourtCall, LLC, not less than seven (7) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall Appearance. The court may shorten the time for serving the request for good cause shown.

(5) Fee Waiver. Any party wishing to request a CourtCall fee waiver must file a motion for fee waiver, a financial declaration, and provide a proposed order. The Clerk will deliver said fee waiver request to the Judge for consideration.

(b) Participation in CourtCall Appearances.

(1) Court.

(a) The court shall hear CourtCall Appearances in the order in which they are noted on the calendar, unless the court exercises its discretion to call cases in a different manner.

(b) The following matters are currently deemed unsuitable for CourtCall Appearances and shall require the personal appearance of counsel or self-represented parties, unless otherwise approved in advance by the court.

- (i) Judgment Debtor Examinations;
- (ii) Settlement Conferences;
- (iii) Hearings and trials at which oral testimony may be presented;
- (iv) Show cause hearings regarding contempt by a party.

(c) The court reserves the right, at any time, to reject any Request for CourtCall Appearance. When the court rejects a request, it shall order a refund of deposited telephonic appearance fees and notify CourtCall, LLC.

(d) The court reserves the right to halt the telephonic hearing on any matter and order the attorneys or self-represented parties to personally appear at a later date and time, in which case no refund is permitted.

(e) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

(f) Existing rules and procedures regarding making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall Appearances are made. No private recordings may be made of telephonic appearances.

(2) Attorneys and Self-Represented Parties.

(a) Attorneys and self-represented parties electing to make a CourtCall Appearance shall serve, on all other parties in the case, the Request for CourtCall Appearance form, fax or otherwise deliver a copy of the form to CourtCall, LLC, and pay the CourtCall Appearance Fee in the method prescribed, not less than five (5) court days before the hearing date. The court may shorten the time for serving the request for good cause shown.

(b) When the Request for CourtCall Appearance is made at the same time as the filing of the hearing documents or response, in addition to the Request for CourtCall Appearance form, the words "CourtCall Appearance Requested" shall be printed below the department, date, and time of the hearings on the first page of the papers filed with the court and courtesy copies for the judge.

(c) **Appearance Procedure.**

(1) An attorney or a self-represented party making a Court Call Appearance shall:

- (a) Eliminate to the greatest extent possible all ambient noise from the calling location;
- (b) Be required, during the speaker's appearance, to speak directly into a telephone handset;
- (c) Not call in with cellular or cordless telephone devices or through a personal computer.

(2) An attorney or a self-represented party making a CourtCall Appearance shall call the court's designated toll free teleconference line approximately five (5) minutes prior to the scheduled hearing time and check-in with the Clerk. All persons calling after the check-in period shall be considered to be late for the hearing and shall be treated by the court in the same manner as if the person had personally appeared late for the hearing.

(3) An attorney or a self-represented party appearing telephonically shall state his or her name for the record each time the person speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney or a self-represented party shall not utilize the "hold" button, as it is not within the policy of the court to wait for any person to rejoin the line.

SPR 98.04.5. 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 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 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 Court Administrator shall send a notice of such removal to the Administrative Office of the Courts. When the 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 Court Administrator shall advise the judge of such removal.

PART III
LOCAL CRIMINAL RULES (LCrR)
SAN JUAN COUNTY

Effective September 1, 2019

LCrR 1. SCOPE, PURPOSE AND CONSTRUCTION
(Rules 1.1-1.5)
(No Local Rules)

LCrR 2. PROCEDURES PRIOR TO
ARREST AND OTHER SPECIAL PROCEEDINGS (Rules 2.1-2.3)
(No Local Rules)

LCrR 3. RIGHTS OF DEFENDANTS (Rules 3.1-3.6)
(No Local Rules)

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

LCrR 4.2(i) 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.

LCrR 4.9. PRETRIAL MOTIONS

The attorneys or self-represented parties shall specially set pretrial motions in criminal matters with the Court Administrator at least ten (10) days prior to trial unless otherwise ordered by the Court.

LCrR 5. VENUE (Rules 5.1 – 5.2)
(No Local Rules)

LCrR 6. PROCEDURES AT TRIAL (Rules 6.1-6.16)

LCrR 6.1 TRIAL BY JURY OR BY THE COURT

(a) **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.

LCrR 7. PROCEDURES FOLLOWING CONVICTION (Rules 7.1-7.8)
(No Local Rules)

LCrR 8. MISCELLANEOUS (Rules 8.1-8.9)

LCrR 8.1 TIME

Time shall be computed and enlarged in accordance with CR 6, and not by the civil local court rules.

LCrR 8.2. MOTIONS

- (a) **Motion Calendar.** Criminal motion calendar shall be set at 9:30 a.m. on Mondays.
- (b) **Motions.** Unless changed by the Local Criminal Court Rules, Criminal Rules 3.5 and 3.6, Civil Rule 7(b), and LCR 7 shall govern motions in criminal cases. CourtCall may only be utilized in limited circumstances and then only after court approval.
- (c) **Sentencing Hearings.** For all criminal sentencing hearings the parties shall obtain a special set hearing date and time, usually Monday afternoons, Tuesday mornings, or as otherwise agreed, depending upon schedules of the parties and as confirmed with the Court Administrator.
- (d) **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.**
- (e) **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.

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 8.5-8.9. *(No Local Rules)*

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

Effective September 1, 2019

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 – 1.3 *(No Local Rules)*

LJuCR 1.4. APPLICABILITY OF OTHER RULES

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

LJuCR 1.5 *(No Local Rules)*

LJuCR 1.6 COURT APPOINTED SPECIAL ADVOCATE PROGRAM

This judicial district has a Court Appointed Special Advocate program. Rules and details may be obtained from Juvenile Court Services.

TITLE II. SHELTER CARE PROCEEDINGS

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, guardian ad litem, or court-appointed special advocate wishes to contest placement of a child 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 shown, 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.

TITLE III. DEPENDENCY PROCEEDINGS

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.

(b) **Notice of Contested Issues.** After receipt of the department's report, if a parent, guardian ad litem, or court-appointed special advocate wishes to contest any issue, he or she must file serve a notice

of contested issues no later than three (3) 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.

LJuCR 3.10 - 3.11 *(No Local Rules)*

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1 - 4.3 *(No Local Rules)*

TITLE V. PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES

LJuCR 5.1 - 5.7 *(No Local Rules)*

TITLE 5A. PROCEEDINGS FOR AT-RISK YOUTH

LJuCR 5A.1 – 5A.6
(No Local Rules)

TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS

LJuCR 6.1 – 6.6
(No Local Rules)

TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

LJuCR 7.1 – 7.2 *(No Local Rules)*

LJuCR 7.3. DETENTION FACILITIES

(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 no adult prisoners are housed in the same detention area.

LJuCR 7.4 - 7.15 *(No Local Rules)*

TITLE VIII. DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER

LJuCR 8.1 – 8.2 *(No Local Rules)*

TITLE IX. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS

LJuCR 9.1 – 9.3 *(No Local Rules)*

TITLE X. JUVENILE COURT RECORDS

LJuCR 10.1 – 10.9 *(No Local Rules)*

TITLE XI. SUPPLEMENTAL PROVISIONS

LJuCR 11.1 - 11.2 *(No Local Rules)*

LJuCR 11.3 COURT SCHEDULES FOR JUVENILE MATTERS

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

LJuCR 11.4. DUTIES OF CLERKS

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

LJuCR 11.5. 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 11.6 – 11.22 *(No Local Rules)*

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

In Re the Marriage of:

In Re the Parentage of:

_____, Petitioner

and

_____, Respondent

NO.

TEMPORARY RESTRAINING ORDER
(TMRO)

I. NOTICE TO PARTIES

1.1 An action has been started in this court that affects your marriage. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.

II. ORDER

IT IS ORDERED:

2.1 TEMPORARY ORDERS FOR ALL PARTIES

- (a) Both 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) Both 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, both 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) Both 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

SPR 94.08.01

Page 1 of 2

FORMS APPENDIX -- A

Eff September 1, 2019

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

- (a) Both parents 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 shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.
- (c) Each parent shall insure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).
- (d) Unless waived pursuant to SPR 94.08.2(f), within 90 days of filing an appearance, answer or other responsive pleading in this action, both 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 parent shall provide the other parent 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 the final terms of their Decree, they shall be required to participate in mediation in accordance with SPR 94.08.3. 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 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. _____

- \$ _____
- \$ _____
- \$ _____
- \$ _____
- \$ _____

- \$ _____
- \$ _____
- \$ _____
- \$ _____
- \$ _____

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 Local Rule SPR 94.08.2 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 Local Rule SPR 94.08.3 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

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

_____, Petitioner/Plaintiff NO.

vs

_____, Respondent/Defendant STATEMENT OF READINESS FOR TRIAL

TO: Clerk of the Court

AND: _____

COMES NOW _____ by and through his/her attorney of record and pursuant to LCR 16 certifies as follows:

1. This case is subject to mandatory mediation: yes no
If so, mandatory mediation has been completed: yes no N/A
2. This case is subject to mandatory parent education seminar: yes no
If so, the parent education seminar has been completed: yes no N/A
3. Declarant's witnesses are available for trial: yes no N/A
4. All discovery has been completed: yes no
5. All necessary pleadings have been filed: yes no
6. The parties are ready for trial: yes no
7. The estimated length of trial _____ is days.

Declarant will appear personally
 requests permission to appear via CourtCall
 requests that his/her personal presence be waived

at the court scheduled Readiness Hearing.

Dated: _____

Signature / Printed Name
Attorney for _____
WSBA No. _____
Address: _____

**STATEMENT OF READINESS FOR TRIAL
LCR16**

FORMS APPENDIX -- E

**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 SPR 94.08.2, 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
SPR 94.08.2**

FORMS APPENDIX -- F

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

In Re the Marriage of:

NO.

_____, Petitioner

and

_____, Respondent

REQUEST FOR ENTRY OF DECREE AND
DECLARATION OF JURISDICTIONAL FACTS
(For Use by Attorney Only)

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
(For use by Attorney Only)**

LCR 8

Page 1 of 2

FORMS APPENDIX -- G

Eff September 1, 2019

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

**REQUEST FOR ENTRY OF DECREE AND
DECLARATION OF JURISDICTIONAL FACTS
(For use by Attorney Only)**

LCR 8
Page 2 of 2

FORMS APPENDIX -- G

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

In Re the Marriage of:

_____, Petitioner

NO.

and

_____, Respondent

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: _____

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 38

Page 1 of 2

FORMS APPENDIX --H

Eff September 1, 2019

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 38**

Page 2 of 2

FORMS APPENDIX -- H

Eff September 1, 2019

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

- In re the Marriage of:
- In re the Parentage of:

No.

Petitioner(s),

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

and

CLERK'S ACTION REQUIRED:

Respondent(s).

**(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 SPR 94.08.1(e) 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: _____

CHILD(REN) INFORMATION	
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:

PETITIONER'S INFORMATION			
1 st Petitioner's FULL Name (Last, First MI):		2 nd Petitioner's FULL Name (Last, First MI):	
Has the 1 st Petitioner ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the 2 nd Petitioner ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
1 st Petitioner's Date of Birth (MO/DAY/YEAR) :		2 nd 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"/>

RESPONDENT'S INFORMATION			
1 st Respondent's FULL Name (Last, First MI):		2 nd Respondent's FULL Name (Last, First MI):	
Has the 1 st Respondent ever been known by another name? Including hyphenated or maiden names. If so, list name(s):		Has the 2 nd Respondent ever been known by another name? Including hyphenated or maiden names. If so, list name(s):	
1 st Respondent's Date of Birth (MO/DAY/YEAR):		2 nd 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"/>

OTHER MINORS OR ADULTS RESIDING IN PETITIONER'S HOUSEHOLD		OTHER MINORS OR ADULTS RESIDING IN RESPONDENT'S HOUSEHOLD	
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):	
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"/>

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

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

1. No firearms or other weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. No cell phones or pagers with audible signals activated shall be allowed in the courtroom.
4. All persons in the courtroom, except those required to be there because of arrest or court order, shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules apply:
 - ◆ Men shall wear shirts, trousers and shoes.
 - ◆ Women shall wear shoes and either dresses, skirts and tops, or pants and tops
 - ◆ Pants shall be firmly and snugly fastened about the waist.
 - ◆ Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and flip flop type sandals shall not be worn.
 - ◆ Male attorneys shall wear coats, slacks and ties. Women attorneys shall wear professionally appropriate attire.
5. 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. As minimum standards, the following rules shall apply:
 - ◆ Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - ◆ All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel, or other persons.
 - ◆ Children shall be closely controlled by adults inside and outside the courtroom.
6. No cameras or video or audio recording equipment, except members of the press with prior approval of the Court.

COURTROOM 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.

COURTROOM DECORUM

I. General Courtroom 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 at counsel table, 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 videotaped reporting may require special precautions, such as remaining near a microphone.

J. Treat everyone in the courtroom with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, 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. Premark exhibits with the clerk for identification prior to trial where appropriate. Hand all unmarked exhibits to the clerk for marking before using them in trial.

B. If practical, have photocopies of an exhibit for the court, opposing counsel, and the witness. Avoid illegible copies if possible.

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

D. 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: _____

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

- In re the Marriage of:
- In re the Parentage of:

No.

STIPULATION TO MODIFY EMAIL SERVICE RULE

_____ Petitioner(s),
and
_____ Respondent(s).

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:

- Neither 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 _____

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

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