

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

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

**LOCAL CIVIL RULES (LCR)
(Effective July 1, 1997)**

RULE 1: SESSIONS, MOTION DAYS AND CALENDARS

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

B. Special Christmas Eve Hours. The Court and Superior Court Clerk's Office shall be open each year on Christmas Eve day from 9:00 a.m. to 11:00 a.m. only or as otherwise resolved by the Board of County Commissioners.

C. Motion Days and Calendar Timing. In Pacific County, Motion Day shall be on Friday of each week. Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on Friday, the previous Thursday may be designated as Motion Day.

In Pacific County the Court will hear domestic violence cases on Fridays at 8:30 a.m., adoptions (in chambers) at 8:45 a.m., civil motions at 9:00 a.m., phone conferences between 10:30 a.m. and 11:00 a.m., to be scheduled through the Court Administrator and criminal motions commencing at 1:30 p.m.

In Wahkiakum County, Motion Day shall generally be scheduled on alternating Mondays but may be changed due to holidays and vacation schedules. Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on a normal motion day, the following Tuesday will be designated as Motion Day. The Wahkiakum County civil and criminal docket shall commence at 9:30 a.m.

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

With the consent of the Court administrator or the Judge, motions and hearings may be heard by telephone conference or set on days other than motion days. Scheduling of such motions and hearings shall be arranged through the Court Administrator and then noted through the Clerk's Office with a statement on the Notice that

the telephone conference was cleared through the Court administrator. The party noting the phone conference shall be responsible for placing the telephone conference.

E. Ex Parte Matters. Ex Parte matters may be presented to the Judge in chambers between the hours of 9:00 a.m. and 4:00 p.m. Counsel should call the Court Administrator in advance for scheduling presentations. Emergency matters may be presented any time. If the Judge is not available, they may be presented to a Court Commissioner. Counsel is responsible for obtaining the court file when presenting ex parte matters. Lawyers should not ask the Court for ex parte orders without notice to opposing counsel if counsel has appeared either formally or informally. All orders must be filed with the Clerk forthwith when signed. Orders signed away from the courthouse shall provide that they are not effective until filed.

F. Juvenile Dockets. The Court administrator will schedule (in advance) a specific day each month for juvenile offender cases and a specific day for dependency hearings. The Juvenile Office shall set all juvenile matters on the designated juvenile offender day at 9:00 a.m., except that the Prosecuting Attorney may set first appearance matters (whenever necessary). Dependency actions or juvenile trials that require more than one hour on the juvenile docket shall be noted for 11:00 a.m. by counsel for the respondent or party requesting the case be tried.

G. South County Motion Days. In South County, Motion Days will be held once a month at South District Court in Ilwaco. The Superior Court Administrator should be contacted for a list of the South County Motion Days. All matters shall be scheduled for 9:30 a.m. except for dependency actions, which shall be set at 10:00 a.m. Matters that require more than one hour on the docket shall be noted for 11:00 a.m. by counsel or the party requesting the case be tried.

RULE 2: ASSIGNMENT OF CASES

The Court Administrator shall schedule all trial dates. A request for a trial setting substantially in the form set forth herein (Exhibit B) shall be served by the moving party upon all parties involved in the action, along with a Note For Motion Docket noting the matter for trial setting (Exhibit A). The Trial Setting Notice shall reflect the number of days requested for trial, whether jury or non-jury, and a list of counsel's available dates for trial, in addition to other relevant information. If requesting a jury trial, a Jury Demand must be filed with the Clerk's Office and the fee paid prior to setting of the trial date. If a party wishes to change a non-jury trial to a jury trial after the trial date has been set, they must file and note up a motion to that effect. The original shall be filed with the Court Clerk with a copy to the Court Administrator. The opposing party shall serve and file a similar form (Exhibit B) PRIOR to the date noted indicating his or her available dates for trial. Both requests must include a list of available dates for trial.

If available dates are not received by the Court Administrator by the date in which it appears on the motion docket for trial setting, the Court Administrator will schedule the trial using the available dates received by those counsel who have responded to the Trial Setting Notice. If the assigned trial date is inconvenient for any party who fails to reason to the request for trial setting (i.e. forwarding available dates or appearing personally at trial setting), that party must file a motion with the Court in order to have the date changed.

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

RULE 3: SETTLEMENT CONFERENCES

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

Available dates for settlement conferences shall be included at the time available trial dates are submitted by counsel as set forth in Rule 2 above. Settlement conferences are held in chambers, off the record. All parties to the action shall be personally present or send a party with full authority to settle (cannot be done by phone). Insurance representatives need only be available by telephone. Lead counsel shall personally attend the settlement conference. Counsel should submit a pre-settlement conference brief to the settlement Judge outlining their issues in the case three (3) workdays prior to the settlement conference. If the name of the settlement conference Judge is not included on the Notice of Settlement Conference and Trial Date, counsel may call the Court Administrator for the information. Attendance at Settlement Conferences is mandatory unless waived by the Court; Terms may be imposed for any violation of this rule.

RULE 4: MANDATORY PARENT EDUCATION WORKSHOP

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

A. Applicable Cases. This rule shall apply to all cases filed on or after April 1, 1997 under Ch. 26.09, Ch. 26.10, or Ch. 26.26 RCW, which require a Parenting plan or Residential Plan for minor children, including dissolutions, legal separations, major modifications, paternity actions in which paternity has been established, and non-parental custody actions.

B. Mandatory Attendance. In all cases governed by this rule, all parties shall complete an approved four-hour parenting seminar. Standards for parenting seminars shall be established by the Court and the Court shall approve providers. The clerk shall provide a copy of this rule to all initiating parties for service on all other parties.

C. Timing. Parties required by this rule to participate in a parenting seminar shall complete and approved parenting seminar within 60 days after service of the petition or motion initiating an action subject this rule. In the case of paternity actions where the responding parent is not having contact with the child, the parenting seminar shall be required only when paternity is established or acknowledged and contact is requested. The class will be completed prior to entry of a permanent parenting or residential plan.

D. Fees. Each party attending a seminar shall pay a fee charged by the approved provider and sanctioned by the court. The court or provider may waive the fee for indigent parties.

E. Special Consideration/Waiver.

- 1) Case shall opposing parties be required to attend a seminar together. They may do so voluntarily.
- 2) Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or that a parent's attendance at a seminar is not in the children's best interest pursuant to Ch. 26.12 RCW, the Court shall either:
 - a) Waive the requirement of completion of the seminar; or
 - b) Allow participation in an alternative voluntary parenting seminar for battered spouses.
 - c) The Court may waive the seminar requirement for other good cause shown.

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

RULE 5: TRIALS

A. Jury Trials. Counsel shall report to the Judge at least one-half hour before the scheduled beginning of a jury trial and provide the Judge with a written list of general voir dire questions counsel request to be asked of the jury. Counsel shall be prepared to present any final pretrial matters to the Court. Pre-trial matters and Motions In Limine requiring argument shall be noted for hearing prior to the morning of trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters that must be heard outside the presence of the jury should be anticipated and be considered during jury breaks or before or after the jury's day.

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

B. Continuances. The Court is obligated to resolve cases promptly. Continuances shall not be available except for good cause shown. Motions for trial continuances shall be in writing and at least fourteen (14) days before the scheduled trial date. Later continuances of trials will be considered only upon the filing and noting for hearing a Motion for Continuance for unforeseeable emergencies with good cause shown and upon terms the Court deems just. Continuances shall be to a date certain.

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

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

D. Appeals on Written Record. All cases set for jury trial which are appeals based on a written record which is read to the jury will be heard without the presence of a Judge or court reporter during the reading of the

record. The rulings of the hearing official will stand unless objections are renewed prior to trial. Counsel will meet and confer before trial and negotiate on the order of the record and what portions will be read. Counsel shall notify the trial Judge before the jury is impaneled of those portions of the record upon which the trial Judge will be asked to rule on and of any other matters relating to the reading of the record that need to be resolved prior to trial. If these matters will require more than 15 minutes court time they should be noted for argument on a date prior to trial.

RULE 6: VERDICTS

A. Proceedings When Jurors Have Agreed. A party or attorney desiring to be present at return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within ten (10) minutes of telephone notice to the attorney's office, home, or another number, the Court may proceed to take the verdict in the absence of such party or attorney.

RULE 7: INSTRUCTIONS TO JURY AND DELIBERATION

A. Submission. Instructions shall be submitted not later than one day prior to the commencement of the trial in the following manner:

1. One copy with citations and assembled in numbered sequence shall be provided to the Clerk, Judge, and each opposing counsel.
2. The original of each Instruction, together with one copy for each party, shall be paper clipped together and provided to the trial Judge. These instructions shall be unnumbered and without citations. If possible, a floppy disc shall also be provided in the format requested by the Court Administrator.

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

RULE 8: BOOKS AND RECORDS KEPT BY THE CLERK

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

RULE 9: DOMESTIC RELATIONS/PATERNITY

A. Form of Petition For Dissolution. Petitions for Dissolution must set forth a specific property distribution and Parenting Plan. Default decrees will not be granted unless a showing is made that the adverse party has been notified of the proposed property distribution, Parenting Plan and requests for attorney's fees.

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

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

RULE 10: PROBATE

Initial probate matters may be submitted to the Court in chambers but shall require testimony. Matters not requiring notice of hearing or where notice is waived may also be completed in chambers.

RULE 11: LAW LIBRARY

Volumes shelved in the courtroom or Court's chambers shall not be removed from the area of the chambers or courtroom without permission of the Judge, Court Administrator, or Clerk. If such permission is granted, a card shall be placed in the location where the volume was removed. Any volumes removed from the Courtroom or chambers must be returned within ten (10) days.

RULE 12: WITHDRAWAL OF FILES AND EXHIBITS FROM CLERK'S OFFICE

The Clerk shall permit no file to be taken from her office or any other place where she has the same in charge, except to the room of the Court or a Judge, Court Commissioner, Referee or Court Reporter/Administrator. All files in the hands of an attorney for the purposes of any trial or hearing must be returned by him or her to the Clerk at the close thereof; provided, court reporters of a case may be permitted for a period of 10 days to withdraw files for the purpose of enabling them to complete or make up a Report of Proceedings.

LOCAL CRIMINAL RULES (LCrR)
FOR PACIFIC AND WAHKIAKUM COUNTIES

(Effective July 1, 1997)

RULE 1: RIGHT TO AND ASSIGNMENT OF COUNSEL

Assignment of Counsel. Appointment of counsel for indigent defendants shall be made by the Court at the preliminary appearance. The Clerk shall notify the appointed attorney by providing him with a copy of the Order Assigning Lawyer. The Prosecuting Attorney shall promptly provide defendant or defense counsel with a copy of the Information or other charging document.

RULE 2: PROCEDURES PRIOR TO TRIAL

A. Omnibus/Pretrial Hearing. At arraignment the Court will fix a time and date for an Omnibus/Pretrial Hearing under CrR 4.5, generally for the second or third motion day following the date of arraignment. The State shall provide the defense attorney with copies of all officer's reports and other information within five (5) days of receipt thereof. The parties and their representatives shall confer at least once before the Omnibus/Pretrial Hearing as to any discovery problems or any possible settlements.

B. Motions. The moving party shall note motions in a timely manner so that all hearings and motions will be heard at least 14 days prior to the date of trial (other than short pretrial motions which may be completed between 9:00 a.m. and 9:15 a.m. on the day of trial). Failure to timely note motions for hearing in accordance with this rule may be deemed a waiver of the pretrial hearing on such motions. The local civil rules relating to motions and hearings also apply in criminal cases.

C. Discovery Cut-off. All discovery shall be completed and provided to opposing counsel by 5:00 p.m. the Wednesday before the scheduled trial date. Information disclosed to opposing counsel after this date shall not be admissible except in extraordinary circumstances.

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

E. Continued Pretrial Conference. Pleas of guilty should generally be entered by the omnibus/pretrial hearing. If an agreed plea is not entered at the Omnibus/Pretrial Hearing, a continued pre-trial shall be scheduled at least two (2) weeks prior to trial. Unless excused by the Court, the defendant's presence is required at the pre-trial conference. If the defendant fails to appear at the pretrial conference the Court may strike the trial date and issue a warrant for the defendant's arrest (see 2F below).

F. Settlement of Criminal Cases. Upon written notice by counsel to the Court Administrator and the Clerk of a settlement in a criminal case prior to 14 days of trial, the Court Administrator and Clerk shall strike the trial date. Counsel for defendant shall note the matter up for entry of plea on the first Friday motion day following the plea bargain resolution. See Rule 3 below.

G. Settlement of Criminal Cases. Upon written notice by counsel to the Court Administrator and the Clerk of a settlement in a criminal case prior to 14 days of trial, the Court Administrator and Clerk shall strike the trial date. Counsel for defendant shall note the matter up for entry of plea on the first Friday motion day following the plea bargain resolution. See Rule 3 below.

H. Issuance of Bench Warrant. Upon the issuance of a bench warrant for defendant's non-appearance or non-compliance of pretrial release conditions, the scheduled trial date shall be stricken by the clerk.

RULE 3: TIME FOR WAIVER OR PLEA AGREEMENT

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

(Exhibit A)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PACIFIC

_____)	
)	
Plaintiff/Petitioner,)	CAUSE NO. _____
)	
v.)	NOTE FOR MOTION DOCKET
)	
_____)	
)	
Defendant/Respondent.)	
_____)	

TO: CLERK OF THE ABOVE-ENTITLED COURT

TO: _____(Opposing counsel or party)

Please place this matter on the Motion Calendar on Friday, the _____ day of _____, 20 ____, at _____ a.m./p.m.

Opposing counsel is hereby notified.

Nature of Motion: _____

DATED this _____ day of _____, 20__.

(Signature) _____

(Address) _____

(Exhibit B)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PACIFIC

_____))
 _____))
 Plaintiff/Petitioner,) NO.)
 vs.) NOTE FOR TRIAL SETTING)
 _____))
 _____))
 Defendant/Respondent.))
 _____))

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

TO:

The above matter is at issue; no pleadings remain unanswered; all discovery has been completed; and the matter will be brought on for setting on _____, the _____ day of _____, 20____, at the hour of 9:00 a.m., and the Clerk is requested to note this cause on the Trial Docket for that date.

LENGTH OF TRIAL: _____ Day(s)

JURY: (Yes) _____ (No) _____ (6 person) _____ (12 person) _____

NATURE OF CASE: _____

JUDGE PRO TEM/COURT COMMISSIONER REQUESTED: (Yes) _____ (No)_____

NUMBER OF WITNESSES I WILL CALL: _____

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

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

DATED: _____

I certify that I sent a copy of the above Note For Trial Setting to the parties listed below, the Clerk of the above-entitled Court, and the Court Administrator, postage prepaid on: _____
