LOCAL RULES OF THE SUPERIOR COURT FOR CLARK COUNTY

September 1, 2024

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LOCAL RULES OF THE SUPERIOR COURT FOR CLARK COUNTY

Originally Effective January 1, 1987

Pursuant to General Rule 7 for Superior Court, the following rules are hereby adopted by the Superior Court of Clark County, Washington, to be in effect after January 1, 1987, superseding all former rules and special rules.

SCOPE OF RULES. These rules are supplemental to the Washington State Court Rules and are not to be construed in derogation thereof. Numerical omissions indicate that there are no local rules on this subject.

GENERAL RULES - LGR

RULE 19 REMOTE APPEARANCE

(a) "Remote Appearance" means a video or telephonic audio appearance in which all participants can simultaneously hear and speak with each other, except as otherwise directed by the judicial officer. Remote appearances shall be deemed held in open court and in any party's presence for purposes of any statute, court rule, or policy.

(b) Authorization for Remote Appearance.

(1) Court proceedings may be conducted by remote appearance as authorized by other court rules (e.g., CrR 3.4), statute or by court order.

(2) Trials or evidentiary hearings may be conducted by remote appearance only upon the approval of the judicial officer. Unless otherwise authorized by the court or by other rule or statute, to appear via remote appearance for a trial or evidentiary hearing must be made by motion and cited for a hearing before the judicial officer hearing the matter.

(3) Attorneys and/or parties may choose to appear via remote appearance for any civil dockets, including family law dockets, and dependency dockets.

(4) The court retains discretion to order attorneys and/or participants to appear in person.

(c) Standards for Remote Appearance Proceedings.

(1) All participants are expected to follow court orders, rules, and policies on appropriate courtroom decorum during remote appearances.

(2) Video Appearances. Local court rules or the court may require that a remote appearance take place over video. The audio and video must be of sufficient quality to ensure that the audio and video connections are clear and intelligible.

(3) Telephonic Appearances. The court may allow a participant to appear remotely with only an audio connection. The connection must be of sufficient quality to ensure participants are clearly audible. Telephonic appearances shall otherwise have the same requirements as indicated for video appearances.

(4) Court Interpreter. In interpreted proceedings, the proceeding must be conducted to assure that the interpreter can hear all participants.

[Effective September 1, 2022, Amended September 1, 2023]

RULE 30 ELECTRONIC FILING

(a) Definitions-See GR 30(a)(1)-(5)

(6) "Digital signature" means a handwritten signature of an individual or third-party signature transmitted by facsimile, email or other, similar electronic means of communication providing evidence of transmission.

(b) Electronic Filing and Service Authorization--See GR 30(b)(1)-(4).

(5) Electronic or Digital Signatures. Electronic or digital signatures shall be authorized in all proceedings for the signing of all pleadings, motions, responses, oppositions, informations, warrants, and affidavits of probable cause, declarations and orders. Electronic or digital signatures may be made by a judicial officer, party, witness, law enforcement officer or attorney. An electronic or digital signature shall be deemed a reliable means for authentication of documents and shall have the same force and effect as an original signature to a paper copy of the document so signed. This local rule eliminates the need for an affidavit or declaration pursuant GR17(a)(2).

[Effective September 1, 2022]

ADMINISTRATIVE RULES - LAR

RULE 0.1 DEPARTMENTS, SENIORITY AND MANAGEMENT

[Rescinded effective September 1, 2022]

RULE 0.2 COURT MANAGEMENT AND ORGANIZATION

[Rescinded effective September 1, 2022]

RULE 0.2.5 COURT ADMINISTRATOR

[Rescinded effective September 1, 2022]

RULE 0.3 CASE ASSIGNMENT AND DOCKETS

[Rescinded effective September 1, 2022]

RULE 0.4 GENERAL

(a) Attire of Counsel and Litigants. All attorneys appearing before the court or in chambers shall be attired in a manner that is consistent with the current generally prevailing and accepted business attire for professionals in the local community. For any individual appearing in court, attire that is

distracting or detrimental to the seriousness of the proceedings or disruptive of decorum should be avoided. The court has discretion to remove a participant for failing to follow this rule.

[Amended effective September 1, 2022]

(b) Email Communication. The purpose of this rule is to provide guidelines for the use of email in communicating with court staff. This rule does not apply to the other forms of communication and does not establish a preference for email communication over any other form of communication.

(1) Use of judicial officer's individual address prohibited. The only address to be used by attorneys, self-represented litigants or others who need to communicate with court staff about a case is the individual department's judicial assistant's email address. Absent express invitation by the judicial officer, the judicial officer's individual email address is not to be used.

(2) Guidelines for use of email. Email communication with the department is appropriate in the following typical situations:

(A) To obtain a date for an in-court hearing;

(B) To submit proposed orders;

(C) To determine the judge's availability for a settlement conference;

(D) To determine the availability of equipment needed for trial (such as a video player or speaker phone);

(E) To determine the judicial officer's preference as to number of copies of jury instructions required for trial;

(F) To advise the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e);

(G) To determine whether the judge will accept pleadings, jury instructions, legal memoranda, and the like, in the form of an email submission;

(H) Other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

(3) Ex parte communication prohibited. The prohibitions regarding ex parte contact with the court are fully applicable to email communication. If an attorney/party/court-appointed neutral is communicating substantive information to court staff, the email must also be sent to opposing counsel/party/court-appointed neutral and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

(4) [Rescinded September 1, 2022]

(5) Retention of email. The court is not obligated to retain any electronic communications. Original documentation shall be filed with the County Clerk's Office.

(c) Application of General Rule 16. While each judicial officer has discretion to prescribe specific "conditions and limitations" for video and audio recording and photography pursuant to GR 16 (a) and (b), in general, any news outlet/media granted advance permission by the court will be allowed to utilize a personal electronic device to photograph courtroom proceedings. This policy does not alter the requirement of one pool television camera in the courtroom at a time.

(1) Remote Proceedings. The prohibition on recording proceedings of the Superior Court without prior permission extends to recording the audio or video of remote proceedings.

(A) All lawyers, litigants, participants, or observing members of the press or public are prohibited from taking photographs or recording video or audio during remote proceedings, except with written authorization by the judicial officer conducting the hearing.

(B) No person participating in, or listening to, such a proceeding may rebroadcast, live-stream, or otherwise disseminate any live or recorded audio or video of the court proceeding, except with written authorization by the judicial officer conducting the hearing.

(d) Appearances on Multiple Dockets. If a court participant is scheduled to appear on more than one co-occurring docket, the court participant must check in with the judicial assistant for each docket prior to the start of the docket, or with the in-court clerk at the start of the docket.

[Amended effective September 1, 2014; September 1, 2017; September 1, 2021; September 1, 2022]

RULE 0.5 JUVENILE DEPARTMENT

(d) Reports to Be Confidential. Unless otherwise ordered by the court, all predisposition reports, including SSODA evaluations and CDDA evaluations, shall be confidential. These reports shall be filed as confidential and are not considered part of the official juvenile court file.

[Amended effective September 1, 2015; September 1, 2022]

RULE 0.6 FAMILY COURT

(a) [Rescinded September 1, 2022]

(b) Motion for Referral to Family Court Services. When a controversy exists between parties that may affect the welfare of minor children, either party may move the court for a referral to Family Court Services using the form prescribed and approved by the court for the purpose of investigating the welfare of the minor children and the relevant factors for determining custody, parenting time, guardianship, visitation, or modifications thereof. The court may on its own motion refer a matter to Family Court Services.

(c) Determinations. Before any matter is referred, a judicial officer shall make a determination of the necessity for Family Court Services based upon motion and declaration, which shall be noted to a family law motion docket. Only cases where material facts are alleged that circumstances affecting the welfare of the minor children exist will be referred for Family Court Services.

(d) Additional Documents Required. When a matter is referred to Family Court Services, each party shall fully complete and submit prior to the interview the following: (i) Family Information Statement; and (ii) Financial Declaration on the form prescribed and approved by the court. Appropriate consent(s) to release of information shall be executed upon request of the Family Court Coordinator.

(e) Order to Appear. Upon referral of a matter for Family Court Services, an order to appear shall be issued and served on the non-petitioning party requiring him/her to contact Family Court Services within five (5) days of service for a personal interview to be scheduled within fifteen (15) days of service.

(1) Failure to comply with the order to appear and complete the interview process will allow the court to determine custody, visitation, or modification of either, on the basis of available information.

(2) If there has been no service of the order to appear obtained within thirty (30) days of its issuance, the court, being satisfied that good faith efforts to obtain service have been made, may enter such further orders as may be proper in the circumstances.

(3) The petitioning party shall within five (5) days of the issuance of the order to appear, contact Family Court Services for an interview to be scheduled within fifteen (15) days of the order of referral.

(f) Report. After completion of the Family Court Services interviews, a report shall be prepared and submitted to the court and counsel (parties). The court may then proceed to enter such orders for custody, parenting time, guardianship, visitation, or modification as it deems proper and/or may refer the parties for such professional services as may be appropriate.

(g) [Rescinded September 1, 2022]

(h) Costs. If evidence is submitted showing that there was no economic hardship or that economic hardship no longer exists, the court may assess each party a fee for the cost of professional services if initially provided at public expense due to economic hardship.

(i) Suggested Parenting Time Schedule (Residential Provisions) for School-age Children Whose Parents Reside in the Same Geographic Location. A parenting time schedule should be responsive to the needs and best interests of the child(ren) and address practical issues such as the child(ren)'s age(s), parties work schedules, and how far the parties live from one another. To facilitate reasonable resolution of parenting time disputes, the parties should consider the following guide, which, the court would be inclined to accept as reasonable. This rule does not address a suggested schedule for under school-age children, nor does it address long-distance residential schedules. The following schedule should apply when the youngest child enters kindergarten:

(1) School Schedule. The children should reside with the primary residential parent, except when the other parent exercises parenting time pursuant to the following schedule:

(A) Alternating Weekend Schedule. Between six (6) to eight (8) overnights per month. Most commonly parenting time would begin either on Thursday or Friday after school lets out and end either three (3) or four (4) overnights later.

(B) Alternating Mid-Week Visit. One evening during the week every other week beginning the time school lets out and ending two (2) to three (3) hours later. Most commonly parenting time would occur on a Wednesday.

(2) Summer Schedule. Summer should begin and end according to the school calendar. The Summer Schedule is different than the School Schedule. The parents shall alternate weeks during the summer, commencing the first Friday after school is out.

(3) Holiday Schedule (includes school breaks, holidays, and special occasions). The children should spend holidays and school breaks as follows:

(A) Martin Luther King Jr. Day should be spent with the parent who has the children for the attached weekend and should extend the attached weekend so that it ends when school starts (or 8:00 a.m. if there is no school) the Tuesday after Martin Luther King Jr. Day. The weekend schedule set forth above may be interrupted.

(B) Presidents' Day should be spent with the parent who has the children for the attached weekend and should extend the attached weekend so that it ends when school starts (or 8:00 a.m. if there is no school) the Tuesday after Presidents' Day. The weekend schedule set forth above may be interrupted.

(C) Spring Break begins on the Monday of the break and ends on the Friday of the break. Odd years should be spent with the primary residential parent and even years should be spent with the secondary residential parent. The adjacent weekends (Friday, Saturday, and Sunday) should be controlled by the regular school schedule.

Examples using Spring Break dates of April 4 – April 8, 2022:

> **Example 1** – School schedule transfers begin on a Thursday or a Friday and end on Sunday: Secondary residential parent has spring break this year and is already scheduled for parenting time the weekend preceding Spring Break – beginning on either March 31st or April 1st for their school schedule weekend. That parent would receive the children on either March 31st or April 1st (the date their regular weekend schedule would start) and return the children Friday, April 8th.
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> **Example 2** – School schedule transfers begin on Friday and end on a Sunday or a Monday. Secondary residential parent has spring break this year and is already scheduled for parenting time on the weekend following Spring Break – ending on either April 10th or April 11th for their school schedule weekend. That parent would receive the children on Monday, April 1st and return the children on either April 10th or April 11th (the date their regular weekend schedule would end).

(D) Memorial Day should be spent with the secondary residential parent and should begin when school lets out the Friday prior to Memorial Day and end when school starts (or 8:00 a.m. if there is no school) the Tuesday after Memorial Day. The weekend schedule set forth above may be interrupted.

(E) Fourth of July should be alternated between the parents and should encompass a 48-hour period of time over the holiday, from noon on July 3rd to noon on July 5th. The summer schedule set forth above may be interrupted.

(F) Labor Day should be spent with the primary residential parent and should begin when school lets out the Friday prior to Labor Day and end when school starts (or 8:00 a.m. if there is no school) the Tuesday after Labor Day. The weekend schedule set forth above may be interrupted.

(G) Thanksgiving Day / Break should be alternated between the parents and should begin at 6:00 p.m. the day school lets out for Thanksgiving and end when school starts (or 8:00 a.m. if there is no school) the Monday after Thanksgiving. Even years should be spent with the primary residential parent and odd years should be spent with the secondary residential parent. The weekend schedule set forth above may be interrupted.

(H) Winter Break should be alternated between the parents and should begin the day school lets out for Winter Break and end the evening before school starts after Winter Break. The parents should transfer the children at noon on December 26th. For the first half of Winter Break – odd years should be spent with the secondary residential parent and even years should be spent with the primary residential parent. For the second half of Winter Break – even years should be spent with the secondary residential parent and odd years should be spent with the primary residential parent.

(I) Other days of special meaning, such as school breaks, holidays, special occasions. A parent may request that the court allocate another day of special meaning to one or both parents.

(J) Weekend Schedule Defined. The term "weekend schedule" referenced in this subsection refers to the residential schedule set forth in 0.6(i)(1)(A), (B) of this rule, typically contained in section 8 of the parenting plan.

(K) "May Be Interrupted" Defined. The phrase "may be interrupted" referenced in this subsection is not intended to reset the weekend schedule or summer schedule. A parent whose weekend schedule or summer schedule time is interrupted by a holiday is not entitled to receive make-up parenting time.

(4) Transportation Arrangements. Unless specific residential provisions provide for the children to be delivered to or picked up from school or daycare, the children will be exchanged for parenting time at each parent's home by the parent who is about to start parenting time with the children (the "picking up parent").

(5) Primary Residential Parent. The primary residential parent is defined as the parent who is identified as the "custodian" in section 7 of the parenting plan.

(6) Basis for Deviation. A court order consistent with this rule shall not be a basis, in and of itself, for a child support deviation.

(j) Emergency Minor Guardianship Petition. If a Minor Guardianship Petition, form GDN M 102, is being filed regarding a Minor for which an Emergency Minor Guardianship Petition, form GDN M 202, has already been filed, that Minor Guardianship Petition shall be filed under the same cause number as the Emergency Minor Guardianship Petition. If an Emergency Minor Guardianship Petition, form GDN M 202, is being filed regarding a Minor for which a Minor Guardianship Petition, form GDN M 102, has already been filed, that Emergency Minor Guardianship Petition shall be filed under the same cause number as the Minor Guardianship Petition.

(k) Family Law Judicial Settlement Conference. Except as otherwise provided in these rules or ordered by the court, in a case filed under RCW Title 26 and RCW 11.130.190, at any time after the filing of the initial pleading and no later than 45 days prior to trial, a judicial officer may order the parties to participate in a judicial settlement conference upon the court's own motion, and/or the court may set a judicial settlement conference upon request of a party to the action or upon request of a court-appointed neutral (evaluator, court visitor, or guardian ad litem) as follows:

(1) If there is agreement, all parties shall jointly complete, sign, and file with the Clark County Clerk a Notice to Set a Judicial Settlement Conference using the form prescribed and approved by the court.

(2) At the same time, the party filing the Notice shall send a copy to the assigned family law judge.

(3) If there is no agreement, the person requesting a judicial settlement conference shall complete, sign, and file with the Clark County Clerk a Notice of Hearing for a Judicial Settlement Conference using the form prescribed and approved by the court. The request may be heard by the assigned family law commissioner or trial judge.

(4) If the court orders a judicial settlement conference, the court shall issue a Notice to Set Judicial Settlement Conference using the form prescribed and approved by the court.

(5) Minimum Time Setting. Each judicial settlement conference shall be set for a minimum of two hours and may extend for a longer time period or a different date, at the discretion of the settlement conference judge.

(6) Settlement Conference – Scheduling. Upon receipt of a Notice signed by both parties, or upon order of the court, the assigned family law department shall:

(A) Designate the judicial officer who will serve as the settlement conference judge;

(B) Set the date, time, and place of the judicial settlement conference;

(C) File a notice of judicial settlement conference setting with the Clark County Clerk; and

(D) Provide the notice to all parties via email.

(7) Confidential Settlement Conference Statement. At least ten (10) days before the judicial settlement conference each party shall supply a Confidential Judicial Settlement Conference Statement to the other parti(ies) and to the settlement conference judge as follows:

(A) The parties shall use the form prescribed and approved by the court;

(B) Each party shall file proof of service with the Clark County Clerk;

(C) The Confidential Statements shall not be filed with the Clark County Clerk. The Confidential Statements shall not be shared with the trial judge and will be destroyed at the conclusion of the settlement conference.

(8) Attendance of Neutrals Not Required. A court-appointed neutral (evaluator, court visitor or guardian ad litem) shall not be required to attend the judicial settlement conference but may do so at the request of a party, by court order, or if so desired.

(9) Personal Appearance of Counsel and Parties Required. Attorneys and all parties shall personally attend the conference absent prior approval from the settlement conference judge that the conference may go forward via electronic means (telephone or video).

(10) Temporary Motions Continue to be Heard by Assigned Commissioner. Until the assigned judge sets a trial date or otherwise orders, all temporary motions shall continue to be heard by the assigned commissioner, even after a judicial settlement conference has been set and/or conducted.

(11) Trial Setting. The provisions of LCR 40(b)(1)-(6) shall apply. All trials will be set by the assigned judicial department.

[Amended effective September 1, 2019; September 1, 2022; September 1, 2023]

RULE 0.7 PROHIBITED NEGOTIATIONS RE PENDING DOMESTIC VIOLENCE CHARGE

(a) [Rescinded September 1, 2022]

(b) Pending domestic violence criminal cases are outside the scope of domestic relations settlement negotiations. Parties will not be permitted to attempt to negotiate criminal cases or make settlement offers contingent upon the alleged victim's position in a pending criminal case, and parties will not be allowed to include pending criminal charges as part of the settlement conference agreement. Any party who makes a settlement offer contingent upon the alleged victim's input, position, etc., in a pending criminal case, or otherwise attempts to negotiate a criminal case in the context of a domestic relations settlement conference, will be considered to be acting in bad faith, and terms will be assessed.

[Amended effective June 27, 1995; September 1, 2022]

RULE 0.8 CIVIL BENCH WARRANT

(a) Identification of Arrestee. Any person requesting a civil warrant of arrest shall provide the following information, if known, on the face of the warrant: full name, date of birth, social security number, height, weight, race, gender, eye color, hair color, and last known address.

(b) Affidavits in Support of Warrant. An affidavit, stating the reason(s) for the issuance of a warrant, shall be provided to the issuing judicial officer at the time the warrant is requested.

(c) Book and Release. Unless expressly directed by the written terms of the Civil Bench Warrant, any person arrested pursuant to a Civil Bench Warrant must be booked and immediately released. No individual arrested pursuant to a Civil Bench Warrant may be detained in custody unless they are being held pursuant to a separate criminal case.

[Amended effective September 1, 1991; September 1, 2022]

RULE 0.9 WRITS OF HABEAS CORPUS IN CHILD CUSTODY MATTERS

(a) Rule to Control in Conjunction with RCW 7.36. This rule shall, in conjunction with Chapter 7.36 RCW, control the procedure and legal right to retain custody of a child in Clark County, Washington through a writ of habeas corpus.

(b) Who May Petition. Only a person or entity with a previously established right to custody or guardianship of a child will be granted a writ of habeas corpus. The applicant must be able to document the pre-existing legal right to custody or guardianship of the child paramount to the right of any other person or entity. The pre-existing custody or minor guardianship order must be issued by a court of competent jurisdiction and have been obtained through a court action where the other party had notice of the action and the opportunity to be heard.

(c) Presentment. A Petition for Writ of Habeas Corpus should be presented to either the assigned judge or another judge if the assigned judge is not available.

(d) Forms. Applicants for Writs of Habeas Corpus in Child Custody matters shall use those forms prescribed and approved by the court available at the Clark County Clerk's Office including the Sealed Source Mission Child Information Declaration.

[Amended effective September 1, 2005; September 1, 2022]

CIVIL RULES - LCR

RULE 4.1 DOMESTIC RELATIONS

(a) Cases in which Declaration in Lieu of Testimony Will and Will not be Accepted.

(1) Declaration Accepted. A declaration in lieu of testimony will be accepted in cases in which parties have stipulated to entry or in default cases in which the relief requested is the same as the relief requested in the Petition for Dissolution, Legal Separation, Declaration of Invalidity, or Domestic Partnership. The declaration in lieu of testimony must be made after the expiration of the ninety (90) day period. The declaration must be in substantially the same form as the Declaration in Support of Entry of Decree. The declaration may be filed by either or both parties and must include the certification of party or attorney of record.

(2) Hearing Required. A declaration in lieu of testimony will not be accepted in cases in which the relief requested is different or more specific than the original petition, and the respondent has defaulted. In this case, the party requesting relief which varies from the petition must appear on the assigned judge's motion docket and present testimony in support of the request, with a decision to be made by the judge.

(b) Show Cause Orders; Temporary Restraining Orders. When the court, in its discretion, decides to order the personal appearance of a party, a show cause order shall be issued and made returnable not less than five (5) days, excluding weekends and holidays, prior to the hearing, unless a shorter time is ordered by the court. Immediate restraining orders will not be granted unless it is clearly shown by affidavit setting forth facts that irreparable injury could result prior to the hearing.

(c) Submissions Required for Certain Issues.

(1) Financial Declaration. When child support, spousal support, allocation or payment of a debt, or allocation or payment of professional fees or costs are at issue, both parties shall file and serve with their pleadings a Financial Declaration (FL All Family 131). Financial Declarations shall be updated as necessary.

(2) Child Support Worksheets. When child support is at issue, both parties shall file and serve with their pleadings a Child Support Worksheet (WSCSS – Worksheets). Child Support Worksheets shall be updated as necessary. Worksheets shall be prepared in accordance with Chapter 26.19 RCW taking into consideration the standards for determination of child support as published by the Washington State Child Support Commission.

(3) Proposed Parenting Plan. When custody, visitation, or parenting time is at issue, both parties shall file and serve with their pleadings: i) Information for Temporary Parenting Plan, filed by each parent/custodian/guardian (FL All Family 139), and; ii) either a Proposed Parenting Plan (FL All Family

140) or a Residential Schedule (FL Parentage 303) depending upon the action filed. Parties are responsible for filing updated documents as necessary.

(d) Scope of Hearings.

(1) Temporary Orders. A motion for temporary family law order using form FL Divorce 223 shall set forth the relief sought by the applicant and shall be set for hearing using form FL All Family 185.

(2) Contempt. A motion for contempt hearing using form FL All Family 165 shall set forth all contempt relief sought by the applicant and shall be accompanied by an order to go to court for contempt hearing and hearing notice using form FL All Family 166 setting the matter for hearing.

(3) Immediate Restraining Order. A motion for immediate restraining order (ex parte) using form FL Divorce 221 shall set forth the relief sought by the applicant and shall be accompanied by a proposed immediate restraining order (ex parte) and hearing notice using form FL Divorce 222 setting the matter for hearing, along with any applicable proposed Weapons Surrender Order using form WPF All Cases 02-030.

(4) Other Relief. A motion for other relief using form FL All Family 181 shall set forth the relief sought by the applicant and shall be set for hearing using form FL All Family 185.

(5) Factual Basis. All motions must set forth a factual basis for the requested relief, supported by written submissions.

(6) Hearing. At hearing, the court shall rely on the parties' written submissions and oral argument in support of or opposition to the motion, unless the court determines oral argument or an evidentiary hearing is needed. The court is not required to hear any oral argument or testimony and may rule solely on the pleadings filed. If oral argument is allowed, the length of oral argument shall be in the discretion of the court. Written submissions shall be typewritten and double spaced and no smaller than eleven-point type.

(7) Voluminous Writings to be Summarized. Contents of voluminous writings including text messages and emails, recordings, financial statements, credit card statements, medical records, profit and loss statements, or photographs shall be presented in the form of a chart, summary, or calculation, with the originals available for examination pursuant to ER 1006. This shall also include the purpose for the submission of these materials. Any pleading containing more than 20 pages shall be considered "voluminous" for purposes of this rule.

(8) Written Submissions.

(A) No Re-Filed Submissions. No party may file separately or as an attachment or exhibit to a new document a document already filed as part of the court record. New pleadings should refer to already-filed documents when appropriate, including in the reference the date of the referenced filing or the name and date of the referenced pleading to which it was attached.

(B) Limitations. Written submissions shall not exceed the total number and length set forth below:

Document	Max # of Submissions	Max # of Pages
Declaration of a party to the action in support of or opposition to motion (FL All Family 135)	1	6
Declaration of non-party witness in support of or opposition to motion (not including expert statements) (FL All Family 135)	3	3
Reply Declaration of moving party (not including expert statements) (FL All Family 135)	1	3
Information for Temporary Parenting Plan, filed by each parent/custodian/guardian (FL All Family 139)	1	6
Proposed Parenting Plan (FL All Family 140) or Residential Schedule (FL Parentage 303)	1	16
Washington State Child Support Schedule Worksheets (WSCSS – Worksheets)	1	5
Financial Declaration (FL All Family 131)	1	6
Sealed Financial Source Document (FL All Family 011)	No limit; must be related to supporting declaration	No limit; must be related to supporting declaration
Sealed Confidential Source Document	No limit; must be related to supporting declaration	No limit; must be related to supporting declaration
Exhibits to Declaration	No limit; must be related to supporting declaration	No limit; must be related to supporting declaration

(C) Professional Assessments, Reports and Evaluations. Declarations, affidavits, and reports from professional evaluators, mental health providers, treatment providers, supervised visitation providers, appraisers, and realtors, do not count toward written submission limits but must be properly authenticated and filed as separate documents, under seal if required.

(D) Motion for Enlargement of Written Submissions. A written motion for enlargement of written submissions may be granted upon good cause shown. The motion must be presented to the assigned judicial officer who will hear the underlying motion. The motion must set forth a factual basis for the requested relief. The motion may be presented ex parte so long as the party seeking enlargement contacts the opposing party to give notice of such intent. The court may deny or grant the motion as the court deems reasonable. The court may impose terms, including an award of attorney fees, where the court later finds there was insufficient need for enlargement.

(E) Failure to Comply with Written Submission Limitations. If a filing party exceeds the page limits set forth in this Rule, the court may strike the pleadings, continue the hearing, and/or impose terms, including an award of attorney fees.

(9) Presentation of Orders.

(A) Orders shall be presented pursuant to LCR 52, CR 52 and CR 54.

(B) Conference of Counsel Required. The court will not entertain any objection to properly served proposed orders unless counsel has conferred with respect to the objection. Counsel for the objecting party shall arrange for a mutually convenient conference with the presenting party. If the court finds that counsel for any party has willfully refused or failed to confer in good faith, the court may require counsel or client or both to pay the reasonable expenses, including attorney fees, caused by the failure. The court may continue the hearing.

(C) Conference with and by Self-Represented Parties Encouraged. Though not mandatory, the court urges self-represented parties to confer with respect to an objection to properly served orders.

(D) Written Objections. Though not mandatory, the court urges counsel to prepare written objections so the court can compare paperwork easily. The preferred form is that used in session laws, where undesired language is struck through and new language is underlined.

(E) The assigned judicial officer may impose sanctions in the case of excessive delay in presenting orders.

(e) Modification Proceedings.

(1) Procedure. Requests for modification under Chapter 26 RCW, initiated by summons and petition, shall be served on the other party by personal service, or as otherwise provided in CR 4, or as to actions pursuant to RCW 26.09.175, as provided in RCW 26.09.175(2). Service shall be required twenty (20) days prior to hearing or sixty (60) days if served out of state.

(2) Custody Matters. Preliminary ex-parte requests for order to show cause or for immediate temporary custody will be denied except in extraordinary circumstances. See RCW 26.09.270.

(3) Default. The Notice/Petition shall contain a statement that if the party served fails to respond by the hearing date, the relief requested will be granted by default.

(f) Court's Automatic Temporary Order. Upon the filing of a Summons and Petition for Dissolution, Legal Separation, Declaration of Invalidity, Domestic Partnership or Petition to Establish Residential Schedule/Parenting Plan, the court on its own motion shall automatically issue a Temporary Order that will be served with the Summons and Petition that includes the following provisions:

(1) Except in cases to Establish a Residential Schedule/Parenting Plan the parties be 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 party of any extraordinary expenditure made after the order is issued. This order shall not preclude a party from accessing funds in a reasonable amount to retain counsel;

(2) Except in cases to Establish a Residential Schedule/Parenting Plan the parties be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies and retirement assets of either or both parties or of any dependent child(ren), whether medical, health, life or auto insurance, except as agreed in writing by the parties;

(3) Except in cases to Establish a Residential Schedule/Parenting Plan unless the court orders otherwise, each party shall be immediately responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties;

(4) Except in cases to Establish a Residential Schedule/Parenting Plan where no child support is requested both parties must have access to all financial records including tax, banking and credit card statements. Reasonable access to records shall not be denied without order of the court;

(5) For those actions in which children are involved:

(A) Absent proof of actual or imminent or threatened physical, mental or emotional harm each parent be restrained from changing the residence the child(ren) primarily resided in prior to the filing of the Petition for Dissolution until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent the orders may be inconsistent;

(B) Each parent shall have full access to the child(ren)'s educational and health care records, unless otherwise ordered by the court and this order shall act as authority for any health care or educational institution to provide such records to a parent upon request. However, if a child is age 12 or older, permission must be obtained from the child before a health care provider must provide that child's records;

(C) Each parent shall insure that the child(ren) is(are) not exposed to negative comments about the other parent. Neither parent shall make or allow others to make negative comments about the other parent in the presence of the child(ren). Neither parent shall show the child(ren) any documents or pleadings generated by or for the court in connection with this action.

(6) A party's compliance with the provisions of this rule may be enforced upon Motion and Order to Show Cause. Unless compliance is waived by the court for good cause shown, the court may order appropriate sanctions including costs, attorney's fees, and adoption of the complying party's proposal;

(7) The Petitioner is subject to this order from the time of the filing of the Petition. The Petitioner shall serve a copy of this order on Respondent and file proof of service. The Respondent is subject to this order from the time that it is served. This order shall remain in effect until further court order or entry of final documents;

(8) The court's Automatic Temporary Order will not be entered in any law enforcement database. This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

(g) Confidential Information Form. When a party files a Petition or Response in an action under Chapter 26 RCW, such litigant shall complete to the best of their knowledge a verified and signed confidential information form that provides both parties' current residence and mailing addresses, telephone numbers, dates of birth, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept Petitions or Responses filed by a party unless accompanied by the confidential information form.

(h) Cases to be Heard by Assigned Family Law Judge.

(1) The following types of cases shall be heard by the assigned family law judge on their motion dockets or calendar and shall not be set on a commissioner's dockets or calendar: Relocations, Committed Intimate Relationships, De Facto Parentage, Adoptions, Terminations, Surrogacy, Minor Guardianships, Emancipations, Post-Final Order Motions (including, but not limited to Motions for Contempt, or to Enforce or Clarify Final Orders), Modifications of Final Orders, matters that have been set for trial, and any other matters at the discretion of the judicial officers.

[Amended effective September 12, 1989; October 6, 1989; September 1, 2014; September 1, 2018; September 1, 2021; September 1, 2022, September 1, 2023, September 1, 2024]

RULE 6 POLICY RE: FILING TIMES/DATES

(d) Civil Division Motions. This rule does not apply to Title 13 RCW matters or other statutes and court rules that provide for specific time frames for seeking relief, e.g., Title 59 RCW, CR 56, LCR 59. The moving party shall file and serve upon all parties and the court (*see* section (f) below) all motion documents, including a citation noting the motion, no later than ten (10) court days before the time specified for the hearing. Responses shall be filed and served on all parties and the court no later than five (5) court days before the time specified for the hearing. Replies shall be filed and served on all parties and the court no later than three (3) court days before the hearing. Replies are limited to four (4) pages in length however, this page limitation shall not apply to replies to dispositive motions under CR 12 or 56. See Section (h) below for examples on meeting filing deadlines. Working copies must be presented pursuant to Section (f) below.

(e) Family Law Division Motions. Except for Motions for Revision of a Commissioner's Order (LCR 53.2), domestic relations motions (Show Cause docket matters, Modification/Contempt docket matters and Family Law Motion docket matters) shall be filed with the clerk and copies served upon all parties and the court (*see* section (f) below) no later than ten (10) court days before the time specified for the hearing. Responses shall be filed and served on all parties and the court no later than five (5) court days before the time specified for the hearing. Replies shall be filed and served on all parties and the court no later than three (3) court days before the hearing. See section (h) below for examples on meeting filing deadlines. Working copies must be presented pursuant to Section (f) below.

(f) Working Copies.

(1) For any motion, including motions under CR 56 or CR 59, cited before the court, the filing party shall deliver hard-copy (paper form) working copies to the assigned department at the time the hearing is cited before the assigned department or when the responsive pleadings are filed. Hard-copies delivered to the assigned department shall identify in the upper right corner:

Date of Hearing:
Time of Hearing:
Judicial Officer Hearing the Matter:
Assigned Department

(g) Shorten Time. Before taking any action on less notice than that required by this or any other rule, a party must present a motion and affidavit, and must obtain an order to shorten time. The documents may be presented ex parte to the assigned department if the motion contains a written certification that the other parties appearing in the action were provided notice of the request for order shortening time. If a party is presenting the motion to shorten time ex parte without providing notice to other parties, the filing party must include a written certification for why good cause exists for not providing notice of the request to other appearing parties.

(h) Practical Examples.

Practical examples of LCR 6 Motions:

Hearing Date set for Wednesday April 30

Moving Party serves and files motion – Wednesday April 16
Responding Party serves and files response – Wednesday April 23
Moving Party Serves and files reply – Friday April 25

Hearing Date set for Thursday May 15
Moving Party served and files motion – Thursday May 1
Responding Party serves and files response – Thursday May 8
Moving Party serves and files reply – Monday May 12

Hearing Date set for Friday May 16
Moving Party serves and files motion – Friday May 2
Responding Party serves and files response – Friday May 9
Moving Party serves and files reply – Tuesday May 13

[Amended effective September 1, 2021; September 1, 2022; September 1, 2023]

RULE 7 PLEADINGS

(b) Motions and Other Papers.

(1) How made:

(A) Reapplication on same facts. When an order has been refused in whole or part (unless without prejudice) or has been granted conditionally and the condition has not been performed, the same application may not be presented to another judicial officer.

(B) Subsequent application, different facts. If a subsequent application is made upon an alleged different state of facts, the same must be shown by affidavit what application was made, when and to what judicial officer, what order or decision was made on it and what new facts are claimed to be shown; for failure to comply with this requirement, any order made upon subsequent application may be set aside and sanctions imposed.

(2) Form.

(A) Form of Proposed Order(s) that may be Filed with the Clark County Clerk. Proposed orders shall be labeled accordingly in both the caption and the footer with the word "proposed". Only those proposed orders so labeled will be accepted for filing; the Clark County Clerk is authorized to reject any proposed orders that are not labeled accordingly. The only orders not labeled "proposed" that will be accepted for filing are those that have been executed by a judicial officer. Proposed orders filed with the Clark County Clerk are not subject to being signed by a judicial officer.

(B) Form of Order(s) for Presentation to Judicial Officer. At the time of presentation of a proposed order, the party or attorney must provide an order for presentation to the judicial officer that shall not contain the word "proposed" in the order caption or footer. The order may be presented in-person or electronically as directed by the judicial officer.

(3) Signing and Notation.

(A) Signatures Required. Every order presented for a judicial officer's signature shall include a portion of the text of the order on the signature page and shall be signed by the individual presenting it on the lower left-hand corner of the page to be signed.

(B) Pleadings to be Dated and Names Typed. All pleadings, motions and other papers to be filed with the clerk shall be dated by the person preparing the same. The names of all persons signing a pleading or other paper should be typed under the signature. If signed by an attorney, the attorney's Washington State Bar Association number must be set forth.

(C) Self-represented litigant pleadings shall be typewritten or neatly printed, shall conform to the format recommendations of CR 10(e), and shall contain the party's telephone number(s), mailing address and street address where service of process and other papers may be made upon him/her or the same may be rejected for filing by the clerk.

[Amended effective September 25, 1989, September 1, 2014, September 1, 2020, September 1, 2021; September 1, 2022, September 1, 2023]

RULE 9 CIVIL PROTECTION ORDERS

(a) Scope of Hearing and Written Submissions.

(1) Hearing. During the hearing, the judicial officer shall rely primarily on the parties' written submissions. The judicial officer may also hear oral argument and testimony in support of or opposition to the Petition, if requested, in accordance with the applicable statute. The length of oral argument and testimony shall be in the discretion of the judicial officer, in accordance with the applicable statute.

(2) Written Submissions.

(A) Contents of voluminous writings (text messages and emails included), recordings, or photographs which cannot conveniently be examined in court shall be presented in the form of a chart, summary, or calculation, with the originals available for examination pursuant to ER 1006.

(B) No Re-Filed Submissions. No party may file separately or as an attachment or exhibit to a new document a document already filed as part of the court record. New pleadings should refer to already-filed documents when appropriate, including in the reference the date of the referenced filing or the name and date of the referenced pleading to which it was attached.

(C) Limitations. Written submissions shall not exceed the total number and length set forth below:

Document	Max # of Submissions	Max # of Pages
Declaration of a party in support of or opposition to Petition (this may be in addition to the Petition or a part of the Petition)	1	6
Declaration of non-party witness in support of or opposition to Petition	3	3
Reply Declaration of moving party	1	3

Document	Max # of Submissions	Max # of Pages
Sealed Confidential Source Document	No limit; must be related to supporting declaration	No limit; must be related to supporting declaration
Exhibits to Declaration	No limit; must be related to supporting declaration	No limit; must be related to supporting declaration

(D) Professional Assessments, Reports and Evaluations. Declarations, affidavits, and reports from professional evaluators, mental health providers, treatment providers, supervised visitation providers, appraisers, and realtors, do not count toward written submission limits but must be properly authenticated and filed as separate documents, under seal if required.

(E) Failure to Comply with Written Submission Limitations. If a filing party exceeds the page limits set forth in this Rule, the court may strike the pleadings, continue the hearing, and/or impose terms, including an award of attorney fees.

[Effective September 1, 2023]

RULE 10 FORM OF PLEADINGS

[Rescinded effective September 1, 2022]

RULE 11 SIGNING OF PLEADINGS

(a) Self-Represented Parties. Any party appearing on his or her own behalf shall certify in writing that all documents and pleadings were prepared personally or with the advice of an attorney authorized to practice before the court and that he or she understands that the court by entering a decree or other order does not relieve the party of the responsibility for any omissions, defects, or inaccuracies in the file or matters presented or any consequences resulting therefrom.

RULE 26 GENERAL PROVISIONS

(b)(4) [Trial Preparation: Experts.]

[Rescinded effective March 30, 1989]

RULE 38 DEMAND FOR JURY

(b) Demand for Jury.

(1) Non-arbitration cases. Except for cases submitted for arbitration, failure to demand a jury (and pay the required fee) in the types of cases described in LCR 40(b)(2) within thirty (30) days of the filing of the Notice to Set for Trial or the Response will be deemed a waiver of the right to a jury trial. For all other cases not submitted to arbitration, or upon request for the trial de novo, failure to demand a jury

(and pay the required fee) by the date of the Scheduling Conference will be deemed a waiver of the right to a jury trial. The time period hereunder may be extended only by prior court order upon good cause shown.

(2) Arbitration cases. In the event a trial de novo is requested under MAR 7.1, the parties must file a Notice to Set for Trial or a Citation for Scheduling Conference with the request for trial de novo and demand jury pursuant to (b)(1) above.

[Amended effective September 1, 1996, January 1, 2017]

RULE 40 ASSIGNMENT OF CASES

(b) Methods – Specific Types of Civil Cases NOT Subject to Case Scheduling Order.

(1) LCR 40(c) shall apply to cases filed on or after January 1, 2017. With respect to any case filed prior to that date, an attorney or party desiring to place a case on the trial readiness calendar shall file a Notice to Set for Trial on a form prescribed and approved by the court.

(2) With respect to the following types of cases, unless otherwise provided in these rules or ordered by the court, an attorney or party desiring to place a case on the trial readiness calendar shall file a Notice to Set for Trial on a form prescribed and approved by the court.

(A) RALJ Title 7, appeal from a court of limited jurisdiction;

(B) RCW 4.24.130, change of name;

(C) Ch. 4.48 RCW, proceeding before a referee;

(D) RCW 4.64.090, abstract of transcript of judgment;

(E) Ch. 5.51 RCW, uniform interstate depositions and discovery act;

(F) Ch. 6.36 RCW, Uniform Enforcement of Foreign Judgments Act;

(G) Ch. 7.06 RCW, mandatory arbitration appeal;

(H) Ch. 7.16 RCW, writs;

(I) Ch. 7.24 RCW, Uniform Declaratory Judgments Act;

(J) Ch. 7.36 RCW, habeas corpus;

(K) Ch. 7.60 RCW, appointment of receiver if not combined with, or ancillary to, an action seeking a money judgment or other relief;

(L) Ch. 7.105 RCW, civil protection orders;

(M) Title 8 RCW, eminent domain;

(N) Title 11 RCW, probate and trust law, except for RCW 11.130.190, to which LCR 40(b)(7) applies;

(O) Ch. 12.36 RCW, small claims appeal;

(P) Title 13 RCW, juvenile courts, etc.;

(Q) Ch. 19.205 RCW, Structured Settlements Protection Act;

(R) Title 26 RCW, domestic relations;

(S) RCW 29A.72.080, appeal of ballot title or summary for a state initiative or referendum;

(T) Ch. 34.05 RCW, Administrative Procedure Act;

(U) Ch. 35.50 RCW, local improvement assessment foreclosure;

(V) Ch. 36.70C RCW, Land Use Petition Act;

(W) Ch. 51.52 RCW, appeal from the board of industrial insurance appeals;

(X) Ch. 59.12 RCW, unlawful detainer;

(Y) Ch. 59.18 RCW, Residential Landlord-Tenant Act of 1973;

(Z) Ch. 71.05 RCW, mental illness;

(AA) Ch. 71.09 RCW, sexually violent predator commitment;

(BB) Ch. 74.20 RCW, support of dependent children;

(CC) Ch. 84.64 RCW, lien foreclosure;

(DD) SPR 98.08W, settlement of claims by guardian, receiver, or personal representative;

(EE) SPR 98.16W, settlement of claims of minors and adults subject to guardianship, conservatorship, and/or protective arrangements;

(FF) Ch. 246-100 WAC, isolation and quarantine; and

(GG) Cases which were served on the defendants/respondents prior to filing and are being filed with the Clark County Clerk for the sole purpose of obtaining a simultaneous order of default and/or default judgment.

(HH) Other Exemptions. In addition to the types of actions identified in subsection (2), the court may, on a party's motion or on its own initiative, exempt any action or type of action for which compliance with this rule is impracticable.

(3) Certification. The attorney by filing a Notice to Set for Trial certifies that the case is fully at issue with all necessary parties joined, all anticipated discovery has been or will be completed before trial and that all other counsel have been served with copy of the Notice.

(4) Response to Notice to Set for Trial. An attorney who objects to a case being set for trial, or who otherwise disagrees with the information on the Notice, shall file and serve a Response to Notice to Set for Trial on a form prescribed and approved by the court within ten (10) days of the date of service of the Notice. The Response shall be noted for hearing the objection not more than twenty-five (25) days after the date of service of the Notice to Set for Trial. No Response is necessary if counsel agrees with the Notice to Set for Trial. See LCR 38 re: Demand for Jury.

(5) Call for Trial. Any case placed on the readiness calendar will be subject to call for trial or to be assigned a specific date for trial. The court will give reasonable notice of the trial date assigned.

(6) Continuances. When a case has been called from the readiness calendar and set, it shall proceed to trial or be dismissed, unless good cause is shown for continuance, or the court may impose such terms as are reasonable and in addition may impose costs upon counsel who has filed a Notice to Set for Trial, or who has failed to object thereto and is not prepared to proceed to trial. No request for continuance will be considered without the written acknowledgement of the client on the pleadings and an affidavit giving the particulars necessitating a continuance in accordance with CR 40(d) and (e). Continued cases may be removed from the trial calendar at the discretion of the court and, if removed, will be re- calendared only upon filing a new Notice to Set for Trial.

(c) Methods – General Cases Subject to Court-Ordered Case Scheduling Order.

(1) Case Assignment Notice. Except as otherwise provided in these rules or ordered by the court, when an initial pleading in a case not specifically listed in LCR 40(b)(2) is filed and a new civil case file is opened and assigned to a judicial department by the Clerk, the filing party or the filing party's attorney shall simultaneously prepare and file a Notice Assigning Case to Judicial Department and Setting Scheduling Conference Date (referred to hereinafter as Case Assignment Notice) in a form prescribed and approved by the court. Unless otherwise ordered by the court, the Scheduling Conference Date shall be scheduled for a date which is no less than four (4) months, nor more than six (6) months, from the date of filing the initial pleading. The clerk shall place the Scheduling Conference Date on the assigned department's civil motion docket for said date, which may not be changed without prior approval of the assigned department.

(2) Service of Case Assignment Notice. The party filing the initial pleading shall promptly provide a copy of the Case Assignment Notice to all other parties by (i) serving a copy of the Case Assignment Notice on the other parties along with the initial pleading, or (ii) serving the Case Assignment Notice on the other parties within ten (10) days after filing the initial pleading.

(3) Service on Joined Parties. A party who joins an additional party in an action shall serve the additional party with the current Case Assignment Notice together with the first pleading served on the additional party.

(4) Scheduling Conference. All counsel and/or self-represented litigants shall appear personally at the Scheduling Conference unless: (i) prior permission is obtained from the assigned judicial department; (ii) the Scheduling Conference has been cancelled as provided in LCAR 2.1(b)(2); or (iii) pleadings effectuating a final disposition of the matter have been filed. At least ten (10) court days prior to the Scheduling Conference, the parties shall file a Joint Status Report in a form substantially as approved by the court. A courtesy copy of the Joint Status Report shall be provided to the assigned judicial department at least ten (10) days prior to the Scheduling Conference. The Joint Status Report shall include: (i) confirmation of service on all parties; (ii) confirmation of joinder of all parties, claims, and defenses; (iii) confirmation of filing a jury demand with accompanying fee, if applicable; (iv) verification of the anticipated length of trial. Unless good cause is shown, the court shall enter a Case Scheduling Order

substantially as follows, with specific provisions subject to adjustment at the assigned judge's discretion to wit:

For the purposes of the following table, "SC" refers to Scheduling Conference date. "T" refers to Trial date.

TYPE OF DEADLINE	CALCULATION
Discovery Cutoff	T – 12 weeks
Deadline for Filing Motion to Change Trial Date	T – 12 weeks
Deadline for Party Exchange of Witness and Exhibit Lists	T – 6 weeks
Deadline for Hearing Dispositive Pretrial Motions	T – 6 weeks
Deadline for Hearing Motions in Limine	T – 2 weeks
Deadline for Filing Trial Memoranda, Proposed Jury Instructions and Proposed Verdict Forms	T – 2 weeks
Trial date	No later than SC + 10 months

(5) Amendment of Case Scheduling Order. The court, either on motion of a party or on its own initiative, or at any conference requested by the parties, may modify the Case Scheduling Order for good cause shown. The court shall freely grant a motion to amend the Case Scheduling Order when justice so requires. Any such motion shall include a proposed Amended Case Scheduling Order. If a Case Scheduling Order is modified on the court's own motion, the judicial assistant for the assigned department will prepare and file the Amended Case Scheduling Order and promptly mail it to all parties. Parties may not amend a Case Scheduling Order by stipulation without approval of the court.

(6) Enforcement. The assigned judicial department, on its own initiative or on motion of a party, may impose sanctions or terms for failure to comply with the Case Scheduling Order established by these rules. If the court finds that an attorney or self-represented party has failed to comply with the Case Scheduling Order and has no reasonable excuse, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the court may impose such other sanctions as justice requires. As used in this rule, terms means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term monetary sanctions means a financial penalty payable to the court; the term other sanctions includes but is not limited to the exclusion of evidence, dismissal without prejudice or other appropriate remedial measures as determined in the court's discretion.

(7) Continuances. When a trial date has been set pursuant to LCR 40(c)(4), it shall proceed to trial or be dismissed, unless good cause is shown for continuance. If the court determines a continuance is required, the court may impose such terms as are reasonable and in addition may impose costs upon any counsel and/or party who is not prepared to proceed to trial. No request for continuance will be considered without the written acknowledgment of the client on the pleadings and an affidavit giving the particulars necessitating a continuance in accordance with CR 40(d) and (e). Continued cases shall be provided a new trial date at the time the continuance is granted and an Amended Case Scheduling Order shall be issued at the discretion of the trial court.

(d) Preferences.

(1) Criminal cases shall be accorded priority and shall be assigned trial dates in accordance with CrR 3.3(f).

[Amended effective September 1, 2004, January 1, 2017, November 3, 2017, September 1, 2018, September 1, 2019; September 1, 2020; September 1, 2021, September 1, 2022, September 1, 2023]

RULE 47 JURORS

(a) Examination of Jurors.

(1) Voir Dire. The trial judge may examine the prospective jurors touching their qualifications to act as fair and impartial jurors in the case before the court, and counsel shall advise the court in advance of the names of witnesses then intended to be called for this purpose. Thereafter, the trial judge shall allow the respective parties to ask the jurors such supplementary questions as may be deemed proper and necessary by the trial judge. The voir dire examination of prospective jurors shall, as nearly as possible, be limited to those matters having a reasonably direct bearing on prejudice, and shall not be used by counsel:

(A) as a means of arguing or trying their cases, or

(B) as an effort to indoctrinate, visit with or establish rapport with jurors, or

(C) for the purpose of questioning concerning anticipated instructions of the court or theories of law, or

(D) for the purpose of asking the jurors what kind of verdict they might return under any circumstance. Personal questions should be asked collectively of the entire panel whenever possible.

(2) Juror questionnaires may not be removed from or viewed outside the office of the Superior Court Administrator or the courtrooms of the Superior or District Courts without the express approval of the trial judge.

(k) Random Selection. Jurors shall be selected at random by a properly programmed electronic data processing system as provided by RCW 2.36.63.

[Amended effective September 1, 1996]

RULE 52 DECISIONS, FINDINGS, CONCLUSIONS

(c) Presentation.

(1) Time Limit. All findings of fact, conclusions of law and verdicts shall be presented to the judicial officer having heard the matter not later than 15 days after the decision or verdict was rendered.

RULE 53.2 MOTIONS FOR REVISION OF A COMMISSIONER'S ORDER

(e) Revision by Court.

(1) A motion for revision of a commissioner's written order shall be heard in accordance with RCW 2.24.050.

(2) How Heard. The motion for revision and notice of hearing shall not be filed or served prior to entry of a written order. The motion for revision and notice of hearing shall be filed and served within ten (10) days of entry of the commissioner's order.

(A) The standard of review shall be de novo on the record made by the commissioner, based only on those pleadings that were filed with the Clark County Clerk and submitted to the commissioner in support of or opposition to the underlying motion.

(B) The motion shall include the following:

(i) A brief statement of the issue or issues sought to be revised, which shall include the reasons the moving party is seeking a revision;

(ii) A listing of those materials, papers, and pleadings filed by either party in support of or opposition to the underlying motion. The listing shall include the name of the material, paper, or pleading and the date filed with the Clark County Clerk.

(C) If a brief or memorandum of law was filed by a party in support of or opposition to the underlying motion heard by the commissioner, no new brief or memorandum shall be submitted by that party on the motion for revision. If a brief or memorandum of law was not filed, one may be, and it shall not exceed three (3) pages.

(D) Oral argument shall be limited to five (5) minutes per side.

(3) Scheduling. The party seeking revision of a commissioner's written order shall schedule the motion for hearing on the assigned judge's motion docket.

(A) The party seeking revision shall provide the other parties at least five (5) days notice, excluding weekends and legal holidays, of the time, date, and place of the hearing.

(B) The motion shall be scheduled and heard by the assigned judge within twenty-four (24) days of entry of the commissioner's order. If the assigned judge does not have a motion docket within twenty-four (24) days of entry of the commissioner's order, the motion shall be heard on the first available motion docket thereafter, unless otherwise ordered by the assigned judge. Failure to hear the motion within twenty-four (24) days or the first available motion docket thereafter shall result in dismissal of the motion.

(4) No Automatic Stay. With the exception of juvenile criminal cases, the filing of a motion for revision does not automatically stay the commissioner's written order, and the order shall remain in force unless a separate motion is made and an order staying the commissioner's written order is granted by the assigned judge or commissioner who signed the order.

(5) Judge's Working Papers. The party seeking revision shall, at least five (5) days before the hearing:

(A) Deliver to the assigned judge the motion, notice of hearing and copies of all papers submitted by all parties to the commissioner; or with the assigned judge's consent, as an alternative to copies of all papers submitted, a listing of those papers in a form similar to a designation of clerk's papers.

(B) Deliver to all other parties a list of all papers submitted to or listed for the assigned judge as required in section (5)(A).

(6) Commencement of 10-day Period. For cases in which a timely motion for reconsideration of the commissioner's written order has been filed and served, the time for filing and service of a motion for revision of the commissioner's written order shall be no later than ten (10) days after entry of the commissioner's written order on reconsideration.

[Amended effective September 1, 2008, September 1, 2000, September 1, 2020, September 1, 2022]

RULE 56 SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) Confirmation Process. In the event a motion for summary judgment is to be argued, counsel must notify the assigned department, in person or by telephone, by 4:30 p.m. two court days prior to the hearing; otherwise, the matter will be stricken. If no opposition is anticipated, the assigned judge should be so informed.

[Amended effective September 1, 1996]

RULE 59 NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) Time for motions; contents of motions. A motion for new trial or reconsideration shall be served and filed not later than ten (10) days after the entry of the judgment or order in question. The opposing party shall have ten (10) days after service of such motion to file and serve a response, if necessary. No reply will be permitted. The moving party shall provide copies of the motion (and response, if any) to the judge. No oral argument shall be permitted without express approval of the court. The court shall issue a written ruling on the motion.

[Adopted effective September 1, 2001]

RULE 71 WITHDRAWAL BY ATTORNEY

(c) Withdraw by Notice.

(1) Notice of Intent to Withdraw. The Notice of Intent to Withdraw filed pursuant to CR 71 shall include the names, last known addresses and telephone number(s) and email addresses of the person(s) represented by the withdrawing attorney, unless disclosure would violate the Rules of Professional Conduct.

(e) Notice to Court. An attorney filing any notice of intent to withdraw, order authorizing withdrawal, notice of withdrawal and substitution or notice of appearance by any subsequent attorney, shall provide a conformed copy of the notice or order to the judge to whom the case is assigned if a Notice to Set for Trial has been filed.

[Amended effective September 1, 2010, September 1, 2016]

RULE 77 SUPERIOR COURT AND JUDICIAL OFFICERS

(c) Powers of Judicial Officers.

(5) Powers of Judges of Superior Courts.

(A) Signing of Orders.

(ii) Any judge may sign orders in all cases, if approved by opposing counsel, except continuances, findings, conclusions and judgments and orders on motions for judgment N.O.V. or for new trial in contested cases.

(iii) Applications for emergency or temporary orders or writs shall be made to the assigned judge when available. If unavailable, they may be presented to the ex parte judge.

(8) Judges Pro Tempore. Consent to trial before a judge pro tempore (RCW 2.08.180) may be indicated by a party or attorney on the Notice to Set for Trial and the Response to Notice to Set for Trial.

(9) Change of Judge.

(A) Change of Commissioner. Affidavits of Prejudice with reference to court commissioners will not be recognized. The proper remedy of a party is a motion for revision under RCW 2.24.050.

(f) [Rescinded September 1, 2022]

(h) [Rescinded September 1, 2022]

(i) Motion Day.

(1) Law and Motion Day. Civil motions, show cause orders, contempt proceedings, other docket items will be heard by the assigned departments of the court according to the published judicial calendar and rotation schedule available through the Court Administrator's Office or by special set approved by the assigned department. If no one appears in opposition, the moving party may take the order unless the court deems it unauthorized. If no one appears for the motion or show cause, it shall be stricken from the docket. Any item so stricken must be re- noted in order to be heard.

(2) Continuances. Motions and show cause matters may be continued by the court to a subsequent motion day or set down for hearing at a specific time.

(3) Order of Hearing and Argument Under the Rule. The judge shall determine the order in which the various matters docketed shall be heard. Matters requiring argument may be placed at the bottom of the docket by the judge. In no event will testimony be taken on the motion docket unless notice of intent to do so is given the opposing party and the concurrence of the court is obtained.

[Amended effective September 1, 2014, September 1, 2022]

RULE 79 BOOKS AND RECORDS KEPT BY CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits.

(A) Filing and Substitution. All exhibits and other papers received in evidence on the trial of any cause must be filed at that time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other paper to be filed or substituted in the files in lieu of the original.

(B) Storage. The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(C) Inspection. No exhibits shall be inspected in the Clerk's Office except in the presence of the clerk or one of his or her deputies.

(D) Exhibits Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (A) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(E) Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by: (i) The judge having the cause under consideration; (ii) Official court reporter, without court order for use in connection with their duties; (iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel; (iv) The clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the clerk against original receipts. The clerk shall keep all receipts for such exhibits for the period of three years from date of receipt.

(F) Withdrawal and Disposition. Within ninety (90) days after the final disposition of any cause, including all appellate processes, each party shall withdraw all exhibits offered by such party and give the clerk a receipt therefore. In the event a party shall fail to withdraw the exhibits within such time, the clerk is authorized to destroy the same after thirty (30) days from the mailing to a party of notice of intent to destroy exhibits. (i) Drugs or Dangerous Items. When any controlled substances or dangerous items have been admitted in evidence or have been identified, and are being held by the clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs and/or dangerous items, to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The clerk shall then deliver the drugs and/or dangerous items and take from the law enforcement agency a receipt which he or she shall file in the cause. The Clerk shall also file any certificate issued by an authorized federal or state agency and received by him or her showing the nature of such drugs.

(2) Withdrawal of Files and Documents from Clerk's office.

(A) Files. The clerk shall permit no file to be taken from the office, except to the courtroom or to a judicial officer, referee or official court reporter, unless authority has first been obtained from the Clerk. All of the clerk's files which are in the hands of an attorney for the purposes of any trial or hearing must be returned to the clerk at the close thereof. The clerk, or a designated deputy, may in his or her discretion and on application in writing, grant authority to the applicant to withdraw one or more files from the clerk's custody for a period not to exceed three (3) days. The court may, upon written application showing cause therefore, authorize the withdrawal of specified clerk's files for a period in excess of three (3) days. Only

attorneys with a WSBA number or an employee of that firm's office may make a written request to withdraw a file from the Clerk's office. An attorney's employee must provide the attorney's business card giving permission from the attorney to withdraw any confidential file. Adoption files may only be withdrawn by an attorney with a Notice of Appearance filed in that case. Any request to withdraw a file from the Clerk's Office within one (1) calendar week of its being scheduled for a court hearing or trial shall not be granted.

(B) Statement of Facts. Statements of facts, after having been settled and signed, shall not be withdrawn from the Clerk's Office.

(3) Return of Files, Documents or Exhibits.

(A) Failure to Return Files or Exhibits; Sanctions. In the event that an attorney or other person fails to return files or exhibits which were temporarily withdrawn by him or her within the time required, and fails to comply with the clerk's request for their return, the clerk may, without notice to the attorney or other person concerned, apply to the presiding judge for an order for immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(B) Return of Exhibits and Unopened Depositions. In any civil cause on a stipulation of the parties that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, the clerk may return all exhibits and unopened depositions, or may destroy them. The court may enter an order accordingly.

(C) Return of Administrative Record. Upon completion of a case under review of administrative record, the clerk shall either return the administrative record to the officer or agency certifying the same to the court or destroy the record if the offering officer or agency has given authorization.

(4) Access to Sealed Documents and Files.

(A) Examination of Documents and Files. The clerk shall not permit the examination of any sealed document or sealed file except by order of the presiding or assigned judge or in accordance with GR 15 or GR 22.

(B) Documents filed after the sealing of an entire court file. Any document filed with the clerk after the entire court file has been sealed shall include a special caption directly below the case number on the first page such as "Sealed File".

[Amended effective September 1, 2008]

CIVIL ARBITRATION RULES – LCAR

RULE 1.1 APPLICATION OF RULE - DEFINITION

(a) Purpose. The Civil Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion.

(b) "Director". Defined. In these rules, "Director" means the Court Administrator for the Clark County Superior Court.

[Amended effective September 1, 2020]

RULE 1.2 MATTERS SUBJECT TO ARBITRATION

(a) Amount. The amount of claims subject to arbitration shall not exceed $100,000.

[Amended effective September 1, 2018]

RULE 2.1 TRANSFER TO ARBITRATION

(a) Statement of Arbitrability.

(1) For cases excluded from LCR 40(c) (see LCR 40(b)(1) and (2)), the party filing the Notice to Set for Trial identified in LCR 40(b)(2), shall file and serve a Statement of Arbitrability as contained within Notice to Set for Trial. A party may amend or withdraw the Statement of Arbitrability at any time before assignment of an arbitrator or assignment of a trial date thereafter only upon leave of court for good cause shown.

(2) For all cases subject to LCR 40(c), in order to transfer a case to arbitration a party shall file and serve a Statement of Arbitrability in a form prescribed and approved by the court and pay the required arbitration fee at least ten (10) court days before the Scheduling Conference (LCR 40(c)(4)). Thereafter, a Statement of Arbitrability may be filed only by leave of the court.

(3) The party filing and serving the Statement of Arbitrability must promptly send a conformed copy and proof of payment to arbitration@clark.wa.gov.

(b) Response to Statement of Arbitrability.

(3) For cases excluded from LCR 40 (see LCR 40(b)(1) and (2)), any party who disagrees with the Statement of Arbitrability shall serve and file a response to the Statement of Arbitrability. A party may amend the Response to Statement of Arbitrability at any time before assignment of an arbitrator or assignment of a trial date and thereafter only upon leave of court. In the absence of a Response, the Statement of Arbitrability shall be deemed correct and the case shall be deemed subject to civil arbitration. If a party asserts that the claim exceeds $100,000 and does not waive the excess claim for purposes of arbitration or if a party seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

(4) For all cases subject to LCR 40(c), any party contesting a transfer to arbitration shall file and serve a Response to Statement of Arbitrability at least five (5) court days before the Scheduling Conference. If the transfer to arbitration is disputed, the court shall decide that issue at the Scheduling Conference. Unless a Response to Statement of Arbitrability is timely filed and served, the case shall be deemed subject to civil arbitration and the Scheduling Conference (LCR 40(c)(4)) shall be cancelled.

(c) Failure to File - Amendments. A party failing to timely serve and file a Response to Statement of Arbitrability within the time prescribed may later do so only upon leave of the court.

[Amended effective November 3, 2017, September 1, 2018; September 1, 2020, September 1, 2022, September 1, 2023]

RULE 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of seven proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the seven proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within fourteen (14) days after a list of proposed arbitrators is furnished to the parties, nominate up to three arbitrators and strike up to three arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will randomly appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One Party. If only one party responds within fourteen (14) days, the Director will appoint an arbitrator nominated by that party.

(d) No response. If neither party responds within fourteen (14) days, the Director will randomly appoint one of the seven proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, all represented by different counsel, three additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge.

[Amended effective July 1995, November 1997]

RULE 3.1 QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the Superior Court judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed and approved by the court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. The oath of office on the form prescribed and approved by the court must be completed and filed prior to an applicant being placed on the panel.

(1) An arbitrator must be a member of the Washington State Bar Association in good standing who has been admitted to the Bar for a minimum of five (5) years; or who is a retired Superior Court Judge or Commissioner.

(2) An arbitrator must have completed a minimum of three credits of Washington State Bar approved continuing education credits on arbitrator professional and ethical considerations per RCW 7.06.040(2)(a).

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canons governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

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

RULE 3.2 AUTHORITY OF ARBITRATORS

(a) An arbitrator has the authority to:

(1) Determine the time, place and procedure to present a motion before the arbitrator.

(2) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have ten (10) days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten (10) days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under CAR 6.3.

(3) Award attorney's fees as authorized by these rules, by contract or by law.

[Amended effective November, 1997, September 1, 2020]

RULE 4.4 NOTICE OF SETTLEMENT

After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five (5) judicial days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement prior to the hearing, and the written notice shall be filed and served within five (5) judicial days after the settlement.

[Amended effective September 1, 2022]

RULE 5.1 LOCATION OF HEARING

The arbitrator shall set the time, date and place of the hearing which shall be conducted at a location within Clark County.

[Amended effective September 1, 2002]

RULE 5.2 PRE-HEARING STATEMENT OF PROOF - DOCUMENTS FILED WITH COURT

In addition to the requirements of CAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the County Clerk.

[Amended effective September 1, 2020]

RULE 5.3 CONDUCT OF HEARING - WITNESSES - RULES OF EVIDENCE

(a) Witnesses. The arbitrator shall place a witness under oath or affirmation before the witness presents testimony.

(b) Recording. The hearing may be recorded electronically or otherwise by any party at his or her expense.

(c) Rules of Evidence, Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed to promote justice. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.

(d) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with CAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill for, or an estimate of, property damage on a letterhead or a billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid.

(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the interests of justice.

(e) Opposing Party May Subpoena Author or Maker as Witness. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

[Amended effective September 1, 2020]

RULE 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed and approved by the court.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Amended September 1, 2022]

RULE 6.3 JUDGMENT ON AWARD

A judgment on award shall be presented to the "assigned" judge, by any party, on notice in accordance with CAR 6.3.

[Amended effective September 1, 2020]

RULE 7.1 REQUEST FOR TRIAL DE NOVO

(a) For cases excluded from LCR 40(c) (see LCR 40(b)(1) and (2)), at the time of filing the Request for Trial De Novo, the appealing party shall file and serve on the other party or parties a Notice to Set for Trial pursuant to LCR 40(b).

(b) For cases subject to LCR 40(c), the appealing party shall file and serve a Case Assignment Notice in a form prescribed and approved by the court (see LCR 40(c)(1)). The Scheduling Conference Date shall be scheduled for a date which is not less than two (2) weeks or more than two (2) months from the date of filing the Request for Trial De Novo. The clerk shall place the Scheduling Conference Date on the assigned department's civil motion docket for said date, which may not be changed without prior approval of the assigned department.

[Amended effective November 3, 2017]

RULE 7.2 PROCEDURE AT TRIAL

The clerk shall seal any award if a trial de novo is requested.

RULE 8.1 STIPULATION - EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge.

RULE 8.3 EFFECTIVE DATE

These rules shall take effect on July 1, 1986. With respect to civil cases pending trial on that date, if the case has not at that time received a trial date, or if the trial has been set later than October 1, 1986, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration. If within 14 days no party files a response indicating the case is not subject to arbitration, the case will be transferred to the arbitration calendar. A case set for trial earlier than October 1, 1986, will be transferred to arbitration only upon order of the court.

RULE 8.4 TITLE AND CITATION

Amended effective September 1, 2020, these rules are known and cited as the Clark County Superior Court Civil Arbitration Rules. LCAR is the official abbreviation.

[Amended effective September 1, 2020]

RULE 8.6 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the Arbitration Coordinator a request for payment on a form prescribed and approved by the court. The Arbitration Coordinator shall determine the amount of compensation to be paid. The decision of the Arbitration Coordinator will be reviewed by the Chief Administrative Judge at the request of the arbitrator.

[Amended emergency effective July 1, 2021, permanent effective September 1, 2021, Amended September 1, 2022]

RULE 8.7 ADMINISTRATION

(a) Director. The Director, or their designee, under the supervision of the Superior Court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.

(b) Arbitration Coordinator. The Director may designate a person to serve as the Arbitration Coordinator.

[Emergency effective July 15, 1986, July 1, 2021, permanent effective September 1, 2021, September 1, 2022]

SPECIAL PROCEEDINGS RULES - LSPR

RULE 92.04 SHOW CAUSE ORDER – PROCEEDINGS SUPPLEMENTAL TO EXECUTION

In supplemental hearings and contempt proceedings under Chapter 6.32 RCW, wherein a show cause order is issued requiring the personal attendance of a party to be examined in open court, the order to show cause must include the following words in capital letters:

> YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SAID BENCH WARRANT.

If such wording is not included as above required, the moving party shall not be entitled to a bench warrant for the apprehension of such person.

[Amended effective September 1, 2022]

SPR 92.05 SHOW CAUSE ORDERS – CIVIL CONTEMPT PROCEEDINGS; REQUIREMENTS

The following shall apply to indirect, remedial or civil contempt proceedings brought under RCW 7.21.030 or similar statutes:

(a) Warnings; Failure to Appear. The Order to Show Cause shall contain language warning the responding party that failure to appear could result in a warrant for arrest.

(b) Personal Service. Unless otherwise authorized by the court or good cause is shown, the Order to Show Cause, motion, and affidavits must be personally served upon the responding party.

(c) Arrest or Other Remedies Upon Failure to Appear. At the hearing, if the responding party fails to appear and upon showing of proof of service, and if the warning required above is in the order, the court may order an arrest. Other requested remedies may also be ordered upon default, even if a warrant is not authorized.

[Amended effective September 1, 2022]

SPR 95.00 CIVIL PROTECTION ORDERS – EXTREME RISK PROTECTION ORDER PROCEEDINGS

(a) Petitions – Where Heard. A petition for a temporary extreme risk protection order filed in Superior Court pursuant to Chapter 7.105 RCW will be heard ex parte on the day the petition is filed or the next judicial day. A petition for a final temporary extreme risk protection order filed in Superior Court pursuant to Chapter 7.105 RCW will be scheduled before the same judge who issued the temporary order.

(b) Review Hearing – Where Heard. Where a final extreme risk protection order has been granted, the judge granting the order shall retain jurisdiction over the matter and set a review hearing within three judicial days, requiring the Respondent to appear and provide proof of compliance with the order to surrender firearms. If proof of compliance is provided prior to the hearing, the matter may be stricken from the court's calendar.

(c) Motions to Terminate or Renew Extreme Risk Protection Orders – Where Heard. A motion to terminate or renew an extreme risk protection order shall be noted for hearing before the same judge who issued the original order or their successor.

[Amended effective September 1, 2022]

RULE 98.00 ESTATES – EX PARTE PRESENTATION

(a) Application. This rule applies to adult guardianship, conservatorship, other protective arrangements, and probate proceedings under Title 11 RCW and provides mechanisms for ex parte presentation of "agreed orders" and "uncontested matters" under Title 11 RCW.

(1) The following definitions apply:

(A) "Agreed Order". An agreed order is an order:

i. That has been signed by all parties and/or each Notice Party, and/or;

ii. Where each party and/or Notice Party has signed a consent to entry and/or waiver of notice, and/or;

iii. Where no party or Notice Party is entitled to notice, and/or;

iv. Where the court enters an order waiving notice to each party and/or Notice Party.

(B) "Ex Parte Presentation". An order presented to a judicial officer outside the presence of a party or Notice Party, without notice of the date or time for presentation, and without scheduling a hearing for presentation.

(C) "Notice Party". A Notice Party is an interested person as defined by the relevant statutory provision.

(D) "Notice Period". The period of time that must elapse, absent a waiver, before the court can consider relief requested in a petition or motion.

(E) "Uncontested Matters". A matter that is not an "agreed order", but for which the moving party intends to provide notice of intent to seek an order through ex parte presentation. The types of motions/petitions accepted for ex parte presented under this rule include:

i. 90-day post appointment reporting (forms GDN R 201, GDN R 202, GDN R 203) seeking an Order Approving Guardian/Conservator's Plan and Inventory (form GDN R 203);

ii. Periodic or final reporting (forms GDN R 204, GDN R 205, GDN R 206) seeking an Order Approving Guardian/Conservator's (Periodic or Final) Report (form GDN R 206);

iii. A motion/petition requiring notice that is approved for ex parte presentation by the probate/guardianship judge.

(2) Uncontested Matters to be Presented Ex Parte to Probate/Guardianship Judge. The Court strongly encourages parties to present uncontested matters ex parte to minimize the size of the docket. An uncontested matter shall be presented directly to the probate/guardianship judge for ex parte presentation, so long as it meets the following requirements:

(A) Notice of Ex Parte Presentation must be provided. The pleadings required by the type of matter (i.e., a motion or petition for specific relief, and/or, approval of a plan, inventory, or report), along with a Notice of Ex Parte Presentation ("Notice") in which substantially complies with the form prescribed and approved by the court, must be filed with the Clark County Clerk prior to delivery or mailing.

(B) Delivery of filed documents. The moving party must deliver to all parties and each Notice Party copies of required pleadings and Notice and must file a Declaration of Service which substantially complies with GDN ALL 007 confirming delivery of notice, unless the court waives such notice to any party or any Notice Party for good cause shown.

(C) Notice Period. The relevant notice period must have expired, or been waived by all parties, each Notice Party, or court order.

(D) No Objection Filed. If the above requirements have been met, and an objection has not been filed, the moving party shall submit a copy of the Notice, along with an original order, to the probate/guardianship judge for ex parte presentation.

(E) Objection Filed. If the above requirements have been met, except that an objection has been filed, the moving party shall submit a copy of the objection, along with the Notice and an original order, to the probate/guardianship judge. The judicial officer will determine whether a hearing is required and if so, will direct the moving party to file a Notice of Hearing and provide the required notice.

(3) Agreed Orders to be Presented Directly to Probate/Guardianship Judge. Unless stated otherwise in this Rule, an agreed order shall be submitted via ex parte presentation directly to the probate/guardianship judge and shall not be submitted through the regular ex parte process. The agreed order shall be submitted with a transmittal specifying it meets the requirements of an agreed order under this Rule.

(4) All Other Types of Ex Parte Requests. All other types of ex parte requests shall be presented in accordance with the Civil Division Ex Parte Process as may be adopted through Local Rule or General Order and/or as published on the court's website, or as otherwise directed by the assigned judicial officer.

[Amended effective September 1, 2022, September 1, 2023]

RULE 98.08 ESTATES-PROOF OF WILLS

(a) Method of Presenting Proof. Proof of all matters in probate may be by verified petition, or by other evidence, such as personal testimony, affidavit or deposition.

(b) Proof of Wills. In uncontested will proceedings, testimony in support of a will may be given in person or by deposition or by affidavit to which is attached the original or a facsimile of the will.

RCW 11.20.020 (2). For other methods see RCW 11.20.140. It is necessary to present a certificate of testimony for the court's signature.

RULE 98.12 ESTATES – FILING OF PETITIONS FOR GUARDIANSHIP AND/OR CONSERVATORSHIP

(a) If an Adult Guardianship or Conservator Petition, form GDN C 102, is being filed where an Emergency Adult Guardianship or Conservator Petition, form GDN E 301, has already been filed, that petition shall be filed under the same cause number as the Emergency Petition.

(b) If an Emergency Adult Guardianship or Conservator Petition, form GDN E 301, is being filed where an Adult Guardianship or Conservator Petition, GDN C 102, has already been filed, the Emergency Petition shall be filed under the same cause number as the other Petition.

[Amended effective September 1, 2022]

RULE 98.24 UNLAWFUL DETAINER ACTIONS

(a) Submissions Required.

(1) Show Cause Hearing. For a plaintiff seeking to schedule a Show Cause Hearing on the issuance of a writ of restitution for residential, post-foreclosure, and manufactured and mobile home unlawful detainer actions, the following requirements apply.

(A) Notice of the show cause hearing must be by an Order to Show Cause which may be served with the Summons and Complaint or at any time thereafter. The Order to Show Cause shall be presented to the court using the form prescribed and approved by the court.

(B) Motion for Order to Show Cause may be submitted for ex parte consideration. The ex parte submission shall include the Motion, Complaint and any other pleadings demonstrating plaintiff is entitled to the relief request.

[Added effective September 1, 2024]

RULE 98.16 ESTATES - REGARDING SETTLEMENT OF CLAIMS OF MINORS AND ADULTS SUBJECT TO GUARDIANSHIP AND/OR CONSERVATORSHIP

(a) Approval of Settlement Required.

(1) Rule to Control in Conjunction with SPR 98.16W. In every settlement of a claim, whether or not filed in court, involving the beneficial interest of an unemancipated minor or adult subject to guardianship or conservatorship under Chapter 11.130 RCW, this rule shall, in conjunction with the terms of SPR.98.16W, control the disposition of the settlement funds or the value of other property remaining after deduction for all approved fees, bills and expenses ("net settlement").

(b) [Rescinded September 1, 2022]

(c) [Rescinded September 1, 2022]

(j) Control and Orders for Remaining Funds.

(4) Required Form of Order. All orders approving settlement of minors or adults subject to guardianship or conservatorship shall be presented using the form prescribed and approved by the court.

[Amended effective September 1, 2015, September 1, 2022]

RULE 98.30 REASONABLENESS HEARINGS

(a) Reasonableness Hearings. Reasonableness hearings pursuant to RCW 4.22.060 shall be heard by the judge assigned to the particular matter by affidavit only unless the court shall deem necessary an evidentiary hearing. Affidavits of the parties shall be submitted setting forth all facts justifying the settlement as proposed by the parties or in opposition thereto. A summary affidavit of the attorneys for the parties setting forth each of the factors governing reasonableness hearings shall also be submitted.

(b) Scheduling. A reasonableness hearing shall be scheduled in the assigned department at a time mutually convenient to the parties and the court with at least 10 (ten) days notice to all parties named in the lawsuit. The hearings shall not be scheduled on a regular motion docket without prior written order of the judge hearing the matter.

(c) Additional Defendants. If a party seeks to preserve rights against or cut off contribution rights of a person or other entity who is not named as a party in the suit, that party shall secure the addition of the unnamed party to the suit as a "reasonableness hearing defendant." This may be done by motion to the court. The “reasonableness hearing defendant” shall then be served with the following items in the same manner as summons may be served in a civil action:

(1) Notice of the reasonableness hearing;

(2) The summons and complaint and responses thereto together with any amendments thereto;

(3) All affidavits to be submitted to the court for the reasonableness hearing.

(d) Discovery. The “reasonableness defendant” shall be allowed to request production of documents, depositions, or other relevant materials from any party subject to CR 26 and CR 34.

(e) Affidavits; Defenses. The “reasonableness hearing defendant” shall be entitled to submit affidavits or other material for the reasonableness hearing as any other party and shall be allowed to raise any manner of defense germane to the court's consideration at a reasonableness hearing including but not limited to jurisdiction and sufficiency of process.

(f) Notice. No less than thirty (30) days notice of the reasonableness hearing shall be given to the “reasonableness hearing defendant.” If the “reasonableness hearing defendant” is served out-of-state or by publication, no less than sixty (60) days notice of the reasonableness hearing shall be given. If the “reasonableness hearing defendant” does not appear in person or through counsel at the reasonableness hearing, the “reasonableness hearing defendant” shall be deemed to be in default, and the court shall proceed to determine the issue of reasonableness.

JUVENILE CRIMINAL RULE - LJuCR

RULE 1.0 TRUANCY

Court's Automatic Truancy Stay Order. Upon the filing of a Truancy Petition, the court shall automatically issue an Order to Stay Truancy Proceedings. The Petitioner shall serve a copy of the Stay Order and the Petition on the student and the student's parent(s) and file proof of service. This order shall remain in effect until further court order.

[Amended effective September 1, 2022]

CRIMINAL RULE - LCrR

RULE 2.2 WAIVERS OF PROBABLE CAUSE

[Rescinded effective September 1, 2014]

RULE 2.4 CRIMINAL APPEALS

(a) If the appellant is represented in District Court by court-appointed counsel or retained counsel, that attorney has the duty to file an appeal, and if appointed counsel on appeal is sought, to obtain an order of indigency from District Court. Trial counsel shall docket the matter as soon as possible before the assigned Superior Court judge for appointment of counsel on appeal, if necessary, and, for entry of a scheduling order. District Court counsel should appear with the client on the Superior Court docket and may withdraw upon appointment of appellate counsel. Appellate counsel, or appellant, if there is no counsel retained or appointed in Superior Court, shall be responsible for perfecting the record and obtaining the necessary media and/or verbatim report of proceedings.

(b) If the defendant appears self-represented in District Court, the Superior Court Clerk, upon receiving notice of appeal, shall docket the matter before the assigned Superior Court judge, and shall notify the appellant and the appropriate respondent of the court date, and of the obligation to appear at the hearing before the assigned Superior Court judge for appointment of counsel and entry of a scheduling order. The notice to the appellant shall further advise that failure to appear at the hearing may result in dismissal of the appeal. If the District Court has not made a finding of indigency relating to the appeal, at such hearing before the Superior Court, the court shall proceed to consider whether such a finding is appropriate.

(c) The Superior Court department to whom the appeal is assigned will have the duty to contact appellate counsel, and confirm that counsel has received the notice of appointment and scheduling order.

[Amended effective September 1, 2008]

RULE 2.5 COURT APPEALS

(a) The procedure in civil cases, except small claims, will be the same as in criminal cases, except that neither an order of indigency or appointment of counsel will be required.

[Amended effective September 1, 2008]

RULE 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Counsel.

(5) Although counsel may have communicated with a defendant under the provisions of CrR 3.1 prior to the first appearance, the court shall determine the question of indigence and the actual assignment of a particular attorney to represent a defendant at public expense.

(f) Services Other Than Counsel.

(4) Pursuant to the authority under CrR 3.1(f), all requests for expenditure for investigative and expert services are hereby delegated to the Clark County Indigent Defense Coordinator. If a request is denied in whole or in part, defendant may move for review before the assigned judge.

[Amended effective September 1, 2007]

RULE 3.2 PROPERTY BONDS IN LIEU OF BAIL

(a) Requirements for acceptable property bonds in lieu of bail bond or cash:

(1) Current title report on Clark County property.

(2) Documentation of current assessed value of the property.

(3) Documentation of the current status of any encumbrances on the property.

(4) A signed form of promissory note in the amount of the bond, plus 10% administrative fees, payable on demand upon forfeiture of the property bond. Any amount of the administrative fee not expended will be refunded.

(5) A signed form of deed of trust to Clark County to secure the promissory note to be recorded by County Auditor after the order approving bond is entered, filed with the County Clerk.

(6) Tender of cash or certified check to pay the cost to record the note and deed of trust made payable to "Clark County Auditor."

(7) A covenant that, in the event of foreclosure, all costs of foreclosure, sale, improvements needed to make the property marketable, and the county's attorney fees will come from the proceeds of sale.

(8) The bond must be in first priority on the property, or accompanied by a subordination of any superior encumbrances, OR the property must be free and clear.

(9) The bond, plus 10% must not exceed 70% of the owner's equity based on the Clark County Assessor's assessed value.

(b) Motions for acceptance of property bonds shall be considered by the court on a case by case basis, including colloquy with the property owner, at the discretion of the court.

(c) Any event that causes a reduction in the value of the property posted in lieu of bail bond or cash may result in a review of the sufficiency of the security for the bond either upon motion of the Prosecutor or the court's own motion.

[Amended September 1, 2008]

RULE 3.2.1 BAIL SETTING AND BAIL REVIEW

At a defendant's first appearance on a criminal charge, in those cases where the court determines that bail should be required, the court shall proceed to set a reasonable bail, taking into account the factors set forth in CrR 3.2 (c).

At the time set for arraignment, the court hearing the matter may review the bail previously set, in the event that new information is made known to the court, or in the event that material circumstances have changed since the original bail setting. Thereafter, bail may be reconsidered only by proper written motion

before the assigned judge, with timely notice to the Prosecuting Attorney, and only upon granting of permission by the assigned judge to hear such matter.

RULE 3.4 PRESENCE OF THE DEFENDANT

(a) When Necessary.

(1) In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, there is good cause to require the defendant to be present physically or remotely (at the court's discretion) at the following hearings:

(A) The defendant's motion to waive jury trial;

(B) The defendant's motion for continuance of trial date and waiver of speedy trial rights;

(C) Any hearing where the court is required to conduct a colloquy with the defendant;

(D) Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6;

(E) Readiness hearings, unless the defendant's counsel affirms, in writing or in open court (i) that the defendant has expressly chosen to appear through counsel, as allowed by CrR 3.4(a), and (ii) that counsel has affirmatively determined, through recent contact with the defendant, that the matter is ready to proceed to trial as scheduled or that a written motion for continuance approved by the defendant has been filed.

(2) When the court finds that the defendant's physical or remote appearance is required at a hearing pursuant to this section, the court will enter an appropriate order pursuant to CrR 3.4(d).

[Amended emergency effective February 1, 2021; permanent effective September 1, 2021]

RULE 4.5 OMNIBUS HEARING

(d) [Rescinded September 1, 2022]

(g) Stipulations.

(1) At or prior to the time set for omnibus hearing, the parties may file a written stipulation to the effect that all discovery requested by the other party has been supplied or will be provided not later than 10 (ten) days prior to trial and indicate thereon whether or not there are statements of the defendant which require a pre-trial hearing under CrR 3.5 and/or evidence which may require a pre-trial suppression hearing. The written stipulation will be accepted by the court provided it is signed by the Prosecuting Attorney, defense counsel and the defendant. The court may then set a time prior to trial or, if deemed more expedient, at the trial for hearing such matters as are requested hereunder.

[Amended effective September 1, 2022]

RULE 7.8 MOTIONS

(a) Filing and Service. A motion for post-conviction relief pursuant to CrR 7.8 shall be filed with the Clark County Clerk and served on the Clark County Prosecuting Attorney. The motion shall be

accompanied by supporting affidavits and documentation. The motion for relief shall be cited by the Clerk on the court's next criminal motion docket not less than thirty (30) days from filing. If prior to the hearing, the court transfers the matter to the Court of Appeals or issues an Order to Show Cause pursuant to subsection (b), the matter shall be stricken from the docket by the assigned department. The motion shall be filed on a form prescribed and approved by the court.

(b) Order to Show Cause. Unless the court transfers the matter to the Court of Appeals for consideration as a Personal Restraint Petition, the court will issue an Order to Show Cause why the requested relief should be granted. The moving party shall submit a Proposed Order to Show Cause together with any working copies if represented by counsel. Unrepresented parties are urged and encouraged, but not required to submit a proposed order.

(1) Hearing Date. Except as otherwise set forth in this rule, or shortened by the court, the Show Cause Hearing shall be set for a date not less than ninety (90) days after the date the motion is filed.

(A) Response and Replies. Responses shall be filed and served not less than fifteen (15) days before the set for show cause hearing, and replies shall be filed and served no less than seven (7) days before the date set for the show cause hearing unless time for response or replies is shortened by the court. The response may take the form of a motion to transfer the defendant to the Court of Appeals for consideration as a Personal Restraint Petition.

(B) Manner of Hearing. The hearing will be without oral argument, unless argument is requested by the court or a request for oral argument is granted by the court. Any party requesting oral argument shall set forth the basis for the request in writing. If the court determines that oral argument is necessary, or grants a request for oral argument, the court will notify the parties and calendar the oral argument.

(2) Motions Pursuant to Blake. This rule does not apply to motions filed pursuant to *State v Blake*.

[Amended effective September 1, 2022]

RULE 7.12 PRESENTENCE INVESTIGATION

(b) Report.

(1) Additional Reports. The court may consider, in addition to the formal pre-sentence report, any reports prepared by the defendant, his counsel, law enforcement agencies, the Prosecuting Attorney and all victim impact statements.

RULE 8.2 MOTIONS

(a) All criminal motions shall be timely noted for hearing use the Notice of Hearing prescribed and approved by the court.

[Effective September 1, 2023]

MENTAL RULES - LMPR

RULE 2.4 PROBABLE CAUSE HEARING

(c) Hearing. Upon filing of all necessary papers with the court by the mental health professional and notice to the court and prosecuting attorney that a probable cause hearing is to be held, the clerk will notify the court who will through the Clerk of Court schedule the hearing within 120 hours of the date and time of initial detention, excluding weekends and holidays. The probable cause hearing will be at the facility where the person is detained.

(d) Remote Proceedings. Proceedings held pursuant to this rule may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the judicial officer. Such video proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy.

(1) Standards for Video Conference Proceedings. The judicial officer, counsel, and all parties must be able to see and hear each other during the proceedings and speak as permitted by the judicial officer. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers.

[Amended effective September 1, 2022]

GUARDIAN AD LITEM RULES - LGALR

RULE 1.0 SCOPE AND DEFINITIONS

(a) Statement of Purpose and Scope of Rule. Local Guardian ad Litem Rules ("LGALR") 1.1 through 7.7 supplement GAL Rules ("GALR") 1 through 7 and do not abrogate them. These rules apply to Guardians ad Litem and Court Visitors appointed on any case pursuant to Titles 4, 11, 13, and 26 RCW. All Guardians ad Litem and Court Visitors shall be collectively referred to in these rules as "court-appointed neutrals". These rules do not apply to appointments under RCW 11.96A, SPR 98.16W, or LSPR 98.16W.

(b) Definitions.

(2) Guardian ad Litem. Any person or program appointed under Title 4, 11, 13, or 26 RCW, as a neutral to represent the best interests of a(n):

(A) Child;

(B) Adult subject to guardianship or conservatorship or protective arrangement;

(C) Protected person under a court-ordered guardianship or conservatorship or protective arrangement; or

(D) Party to an action appointed under RCW 4.08.060.

(4) Registry. The list of people authorized by the court to serve as guardians ad litem or court visitors.

(5) Court Visitor. Any person appointed under Title 11 RCW as a neutral to make a thorough investigation, evaluation, and recommendation of all information relevant to a guardianship, conservatorship, or protective arrangement.

[Amended effective September 1, 2022]

RULE 2.0 GENERAL RESPONSIBILITIES

Where GALR 2 uses the term "guardian ad litem", that term shall also mean Court Visitor. All court-appointed neutrals shall comply with GALR 2.

[Amended effective September 1, 2022]

RULE 4.0 AUTHORITY

Where GALR 4 uses the term "guardian ad litem", that term shall also mean Court Visitor. GALR 4 applies to all court-appointed neutrals.

[Amended effective September 1, 2022]

RULE 5.0 APPOINTMENT OF COURT-APPOINTED NEUTRALS

(a) All court-appointed neutrals shall be appointed as set forth below.

(1) Title 11 and Title 26 Appointments – Registry. Appointments shall be made pursuant to a Registry maintained by the Court Administrator.

(2) Title 13 Appointments – Contract. Appointments shall be made pursuant to Contract or as otherwise required under RCW 13.13.102 and any other relevant statute(s) or court rule(s).

(3) Title 4 Appointments – Discretion of the court. The court has the discretion to appoint an individual the court finds has the training or experience needed in the specific court matter for which the Title 4 court-appointed neutral is sought.

(b) Manner of Placement on Title 11 and Title 26 Registry for Court-Appointed Neutrals.

(1) Rotational Registry. The court shall maintain a rotational Registry with as many sub-registries as may be needed in order to effectively manage appointments of court-appointed neutrals under Title 11 and Title 26. All sub-registries will be collectively referred to as the "Registry", unless specifying the sub-registry is necessary.

(A) The Registry shall be implemented in accordance with these rules, RCW 26.12.175, RCW 26.12.177, RCW 11.130.155 and any other relevant statute(s) or court rule(s).

(B) A judicial officer may only deviate from the rotational Registry for good cause as specified under the relevant statute or court rule.

(2) Initial Placement on Registry – New Candidates. The Registry will be open to new candidates between January 1 and January 31 each year, and at other times designated by the court. A "new candidate" is defined as a person who has either been on pause from a sub-registry or has not been on a sub-registry for a period exceeding one (1) year.

(3) Initial Placement on Registry – Qualifications. To be qualified for initial placement on the Registry or any sub-registry a candidate must meet all statutory requirements for the sub-registry(ies) the candidate wishes to be placed on and complete the new application form provided by the Court Administrator. In addition, a candidate must submit the following information to the Court Administrator by the specified deadline:

(A) A current resume or curriculum vitae;

(B) A signed Code of Conduct;

(C) A criminal background check authorization form provided by the Court Administrator;

(D) If subject to professional certification or licensure, certification of good standing from each licensing or certification authority;

(E) Proof of completion of required state and/or local training courses;

(F) Disclosure of any known complaints or grievances filed in any jurisdiction related to court-appointed neutral appointments during the prior five (5) full calendar years.

(4) Continuing Placement on Registry – Renewal. Any person who is currently on a Registry and who desires to remain on a Registry must complete an updated contact information form provided by the Court Administrator, and must submit all the following information to the Court Administrator annually, no later than February 28:

(A) A updated resume or curriculum vitae;

(B) A criminal background check authorization form provided by the Court Administrator;

(C) If subject to professional certification or licensure, certification of good standing from each licensing or certification authority;

(D) Disclosure of any known complaints or grievances filed in any jurisdiction related to court-appointed neutral appointments during the prior calendar year.

(5) Selection process. The Court Administrator shall review all new candidate and renewal submissions to ensure completeness. Once complete, all submissions be forwarded to the court for consideration.

(A) Grant or Deny Initial Placement. The court may grant or deny initial placement of a person for any reason that places the suitability of the individual to act as a court-appointed neutral in question.

(B) Grant or Deny Renewal. The court may grant or deny renewal of a person if:

i. Fails to update contact information as required under these rules; or

ii. Has been removed pursuant to action by the court under LGALR 7.

(C) Placement on Multiple Sub-Registries. A person may be approved for more than one sub-registry.

(D) The Court Administrator shall inform each person in writing of the decision.

(6) Pause from the Registry. A person may request to be placed on "Pause" by sending written notice (email suffices) to the Court Administrator. Requests should include the expected return date. The person will not be included in the rotation selection and cannot be appointed to any new cases during the period of time they are paused from the Registry.

(7) Maintain Separate Files. The Court Administrator shall maintain a separate file for each person on the Registry. Each file shall include the person's Certificate of Completion of training. In addition, the file will include all application materials and all formal complaints or grievances related to a person's service as a court-appointed neutral. The information contained in the files shall be open for public review in The Court Administrator's Office during normal business hours.

(8) No Guarantee. Placement on a Registry does not guarantee appointment.

[Amended effective September 1, 2022]

RULE 5.1 FEES AND COSTS.

(a) Approved Rates and Hours. The hourly rate for indigent matters shall be set by the court. The hourly rate for private pay matters shall be set by the court-appointed neutral and approved by the court. No court-appointed neutral shall be paid for any service or cost without an order of appointment. Each order of appointment shall specify the maximum rate and hours approved.

(b) Approval Required Prior to Additional Hours. Additional hours may only be approved upon written motion accompanied by a supporting declaration setting forth the hours requested and the reason(s) for the request, presented in advance of additional hours. The court shall enter an order granting or denying additional hours and shall specify the approved hourly rate and additional hours.

(c) Total Fees and Costs Subject to Court Approval. All requests for approval of fees are subject to review by the court. A written motion accompanied by a supporting declaration setting forth a detail of total time spent shall be presented after notice to all parties to the assigned judicial officer. The court shall enter an order approving fees.

(d) Payment of Fees and Costs.

(1) Paid by Clark County. An order specifying fees and costs are to be paid by Clark County, along with an invoice on the form prescribed and approved by the Court Administrator, shall be submitted to the Court Administrator no later than three (3) months after entry of the order approving fees.

(2) Paid by Contract – Title 13. Fees and costs shall be paid as set forth in the contract.

(3) Private Pay – Title 11. Fees and costs shall be paid as set forth in the order approving and/or allocating fees.

(4) Private Pay – Title 26. Fees and costs shall be paid as set forth in the order of appointment and as set forth in the order approving fees.

[Amended effective September 1, 2022]

RULE 7.0 – COMPLAINTS AGAINST GUARDIANS AD LITEM, COURT VISITORS, AND COURT APPOINTED SPECIAL ADVOCATES

Application of these rules.

These rules are adopted pursuant to GALR 7(j) and are intended to supplement GALR 7. These rules do not apply to grievances filed against Guardians or Conservators appointed pursuant to RCW 11.130.310 and RCW 11.130.420. See RCW 11.130.140 for procedures in those circumstances.

[Amended effective September 1, 2022]

RULE 7.1 CONFIDENTIALITY AND RECORD-KEEPING

(a) Confidential File. Pursuant to GALR 7(h), the Court Administrator shall maintain a file containing a record of complaints filed. A record is defined as all information or documentation received or considered as to each complaint, as well as any written communication from the Committee or the court, including Initial Determinations, Findings, and Decisions. These records shall be confidential and shall not be disclosed except as ordered by the court or otherwise required by law.

(b) Complaints Found to have Merit. Pursuant to GALR 7(e), any record regarding a complaint the court has found to have merit shall be placed in the court-appointed neutral's file. A record may be disclosed as part of the court's Decision, unless otherwise prohibited by law.

[Amended effective September 1, 2022]

RULE 7.2 SUBMISSION AND REVIEW OF COMPLAINT

(a) Committee Oversight. The "Court-Appointed Neutral Advisory Committee", hereinafter referred to as the "Committee," will administer complaints about court-appointed neutrals subject to this rule. A committee person with an interest in the subject-matter of a complaint shall recuse themselves from review of that complaint.

(b) Submission of Complaint. Any person may file a written complaint. All complaints must be filed within six (6) months of a discharge order. Complaints must be in writing and submitted to the Court Administrator. All complaints must bear the signature, name, mailing address, email address, and phone number of the person filing the complaint.

(c) Initial Determination on Complaint. Upon receipt of a complaint, the Court Administrator will convene the Committee to review the complaint. Pursuant to GALR 7(b), upon initial review of the complaint, the Committee will take one of the following actions:

(1) Decline to Review. The Committee may decline to review a complaint where i) there is an active case pending, and/or; ii) the complaint has no merit on its face. The Committee will not notify the court-appointed neutral of the filing of the complaint. The Committee will inform the complainant in writing that it declines to review the complaint and its reason(s). The court may make specific findings but it not required to do so.

(A) If Active Case is Pending. If an active case is pending and the court-appointed neutral remains on the case, the complainant shall be informed that the complaint may only be addressed in the context of the active case, either by seeking the removal of the court-appointed neutral or by contesting the information or recommendation contained in the Report or testimony.

(2) Review – Potential Merit. The Committee may make an initial determination whether the complaint has potential merit. In considering whether the complaint has potential merit, the Committee will consider whether the complaint alleges the court-appointed neutral has:

(A) Violated a code of conduct;

(B) Misrepresented his or her qualifications to serve as a court-appointed neutral;

(C) Breached the confidentiality of the parties;

(D) Falsified information in a report to the court or in testimony before the court;

(E) Failed, when required, to report abuse of a child;

(F) Communicated with a judicial officer ex-parte concerning a case for which he or she is serving as a court-appointed neutral;

(G) Violated state or local laws or court rules; or

(H) Taken or failed to take any other action which would reasonably place the suitability of the person to serve as a court-appointed neutral in question.

(d) Review of Complaint. If the Committee makes an initial determination that a complaint has potential merit, the Committee shall conduct a thorough review of the complaint.

(e) Actions During Pendency of Review. During the pendency of the review, a court-appointed neutral may continue to receive appointments and continue to serve in appointed cases, unless the court determines an interim suspension pending review is warranted. This determination shall be in writing and delivered to the complainant, the court-appointed neutral, and any other individuals the court deems necessary.

(f) Timelines. Pursuant to GALR 7(g), the Committee shall resolve complaints within sixty (60) days of the date of receipt of the written complaint if there is no active case pending. These timelines may be extended by the Committee for good cause shown.

(g) Fundamental Fairness. Pursuant to GALR 7(c), all notices, proceedings, and other activities taken pursuant to the grievance process shall observe provisions for fair treatment, due process, notice, the right to be heard, and the appearance of fairness.

[Amended effective September 1, 2022, September 1, 2023]

RULE 7.3 RESPONSE AND FINDINGS UPON REVIEW

(a) Response. If the Committee makes an initial determination that a complaint has potential merit, the Committee shall provide a copy of the complaint to the court-appointed neutral, request a written response from the court-appointed neutral, detail in writing the specific issues in the complaint to which the Committee desires a response, and set a deadline for a Response.

(b) Additional Information may be Requested. Upon receipt of a written response, the Committee may request additional information from the complainant, the court-appointed neutral, or other appropriate individual(s) prior to concluding its review.

(c) Consideration of Prior Complaint(s). As part of its review, the Committee shall take into consideration any prior complaints that resulted in consequences authorized by this rule or the lack of same, and any mitigating or aggravating factors found by the Committee.

(d) Findings and Decision by Committee. Upon concluding its review, the Committee shall issue Findings and a Decision.

(1) If the complaint has no merit, the Committee shall issue general findings, indicating why the complaint has no merit;

(2) If the complaint has merit, the Committee shall issue specific findings as to the issues in the complaint that led the Committee to conclude the complaint has merit and shall issue a Decision with the sanction determined by the Committee. The potential sanctions include:

(A) A written admonishment or reprimand;

(B) The requirement of additional training or corrective action;

(C) Removal from active case(s);

(D) Suspension or removal from a registry or registries, and/or;

(E) Other appropriate consequence based on the Committee's findings.

(e) Finality. All Decisions shall be final and not subject to further appeal except that a court-appointed neutral who has been removed from a registry or registries may seek an alternate consequence in lieu of removal.

(1) A court-appointed neutral shall notify the Court Administrator in writing of a request for an alternate consequence within ten (10) days of receipt of a written notice of removal from a Registry. The request shall clearly state the basis for the request and the alternate consequence requested.

(2) The Presiding Judge or their designated judicial officer, who is not a member of the Committee, shall review and determine the request. The court shall notify the complainant and the court-appointed neutral in writing of the determination no later than thirty (30) days after receiving the request.

(f) Notification. The complainant and the court-appointed neutral shall be provided with copies of all documents received, relied upon, or issued by the Committee or the court.

(g) Conflict. A judicial officer with an interest in the subject matter of a complaint shall recuse themselves from decision-making regarding that complaint.

[Amended effective September 1, 2023]

RULE 7.4 NOTIFICATION OF REMOVAL FROM REGISTRY PURSUANT TO GALR 7(i)

(a) Notice to Administrative Office of the Courts (AOC). When a court-appointed neutral is removed from a Registry pursuant to a Decision, the Court Administrator shall send a notice of removal to AOC.

(b) Notice from AOC. When the court receives notice from AOC that a court-appointed neutral on a Clark County Registry has been removed from a registry of any other Washington Superior Court, the Court Administrator shall advise the court of such removal.

[Amended effective September 1, 2022]

RULE 7.5 CONFIDENTIALITY

[Rescinded September 1, 2022]

RULE 7.6 COMPLIANT PROCESSING TIME STANDARDS

[Rescinded September 1, 2022]

RULE 7.7 REMOVAL FROM REGISTRY

[Rescinded September 1, 2022]

RULES FOR APPEALS OF DECISIONS OF LOWER OF LIMITED JURISDICTIONS - LRALJ

RULE 2.0 SMALL CLAIMS APPEALS

(1) This rule applies only to an appeal of the decision of a Small Claims Court operating under Chapter 12.40 RCW. Small claims appeals shall be heard de novo, based solely upon the record certified from the District Court pursuant to Chapter 12.36 RCW.

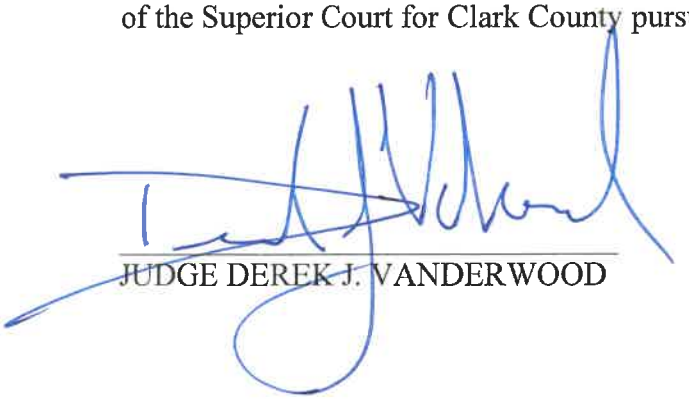
(2) After a small claims appeal has been perfected, the District Court Clerk will notify the parties in writing of the Superior Court cause number, and the name and department number of the assigned Superior Court judge. The Superior Court Clerk will notify the assigned department when the record has been received, and the appeal is ready to be reviewed.

(3) The assigned judge will schedule a hearing to consider the oral argument of the parties. Oral argument shall not exceed fifteen (15) minutes per side without prior approval by the court. No witness testimony, or presentation of additional evidence, will be permitted. The parties may request additional time for argument, or to submit written authorities, by motion directed to the assigned judge.

(4) The decision of the court shall be entered by written judgment. When the court's ruling is against the appellant, judgment shall be entered against the appellant and the sureties of the posted appeal bond, as required by RCW 12.36.090.

[Amended effective September 1, 2007]

The foregoing Local Rules have been adopted effective September 1, 2024, by action of the Superior Court for Clark County pursuant to General Rule 7 and Civil Rule 83.



JUDGE DEREK J. VANDERWOOD