

SUPERIOR COURT OF WASHINGTON FOR ADAMS COUNTY

IN RE LOCAL RULES

)
)
)

ORDER ADOPTING LOCAL RULES

Pursuant to the Civil Rules for Superior Court, CR 83 and GR 7(e) the local rules hereto appended are hereby adopted as emergency rules by the Superior Court of the State of Washington for Adams County, to be in effect from and after the 9th day of June, 2015, superceding all special rules and local rules heretofore adopted.

Dated this 23 day of June, 2015,



STEVE DIXON
JUDGE OF THE SUPERIOR COURT

ORDER ADOPTING LOCAL RULES

ADAMS COUNTY LOCAL RULES

RULE 1: SCHEDULING

A. SESSIONS AND HOURS

There shall be one continuous session of Court from 9:00 a.m. to 4:30 p.m. each day from January 1st through December 31st excepting non-judicial days designated by law as legal holidays, or specifically designated as non-judicial days by the State Supreme Court.

B. GENERAL MOTION DOCKET

The general motion docket shall be each Monday except when the Monday is a legal holiday, or when canceled by prior order of the Court. All hearings in civil, probate, family law, adoption, guardianship and other matters (except juvenile court matters) not requiring testimony, shall be scheduled to the motion docket for 9:00 a.m. Criminal matters shall be scheduled for 10:00 a.m. The form at **Appendix LR-1B** shall be used to note motions. Argument shall be limited to ten minutes per side and the moving party may reserve some portion of said ten minutes for rebuttal argument. Hearings requiring more than 30 minutes shall be scheduled in the same manner as trials.

C. JUVENILE MATTERS (Offender)

Juvenile offender matters, other than fact-findings /arraignments and/preliminary appearances shall be heard on the first Thursday of each month at 9:00 a.m., unless said Thursday is a non-judicial day in which case they shall be heard on the following Thursday which is not a non-judicial day. Fact-finding hearings shall be scheduled for 1:30 p.m. on said Thursdays. In every case not resolved within fourteen calendar days prior to the fact-finding there shall be a status hearing at 10:00 a.m. on the general motion docket occurring on the Monday of the week preceding the date of fact-finding. The juvenile's appearance at the status hearing is mandatory.

D. JUVENILE MATTERS (Dependency)

Juvenile court matters, other than offender matters, shall be scheduled for the first Tuesday of each month at 9:00 a.m., unless said Tuesday is a non-judicial day in which case, they

APPENDIX LR-1F. TRIAL NOTE-UP SLIP

SUPERIOR COURT OF WASHINGTON FOR ADAMS COUNTY

| | |
|------------|------------------|
| |)NO. |
| |) |
| Plaintiff, |) NOTE FOR TRIAL |
| |) |
| vs. |) |
| |) |
| |) |
| Defendant. |) |
| _____ |) |

TO THE CLERK OF THE COURT AND
TO: _____

PLEASE TAKE NOTE that this case will be brought on the trial setting docket for assignment for a trial date on the ____ day of _____, 20___. A list of your available trial dates must be filed with the court before the setting date.

FAILURE TO PROVIDE THE COURT WITH A LIST OF AVAILABLE DATES COULD RESULT IN THE DENIAL OF ANY MOTION FOR CONTINUANCE BECAUSE OF CONFLICTS IN SCHEDULE.

1. Nature of this case: _____
2. Is a jury demand?: _____

6 member ()
12 member ()
3. Estimated trial time: _____

THE COURT TRIAL CALENDAR IS PRE-SET. CASES WILL NOT BE PERMITTED TO CONTINUE BEYOND THE TIME ESTIMATED FOR TRIAL. IF THE NON-SETTING PARTIES DO NOT AGREE WITH THE ESTIMATE IN THIS NOTICE THEY MUST FILE THEIR OWN ESTIMATE BEFORE THE TRIAL SETTING DATE.

DATED this _____ day of _____, 20__.

SIGNED: _____
ATTORNEY FOR: _____

SERVE ON ALL PARTIES AND FILE WITH THE CLERK

APPENDIX LR-1B MOTION NOTE-UP SLIP

**Superior Court of Washington
County of**

and

Petitioner,

Respondent.

No.

**Note for Calendar
(NTC)**

Clerk's Action Required

To the Clerk of Court and to:

1. Please note that this case will be placed on the calendar for hearing on _____, on the date set out below.

2. A hearing has been set for the following date, time and place.

Date: _____ Time: _____ a.m./p.m.

Place: _____ Room/Department: _____

Dated: _____

Signature of Requesting Party or Lawyer/WSBA No.

Print or Type Name

Notice to party: (you may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.)

Address

shall be heard on the following Tuesday which is not a non-judicial day. All parties and their witnesses shall be present and available at 9:00 a.m. Counsel shall first confer as to which matters can be resolved by agreed orders or without testimony, those matters shall then be put on the record or argued. Matters requiring testimony shall then be heard. Shelter Care hearings shall be special set with the Superior Court Administrator. Social studies and predisposition reports are to be presented to the Court no later than three days prior to disposition, or as otherwise directed by the Court.

E. Ex Parte Matters

Noncriminal ex parte matters shall be heard on all judicial days at 11:00 a.m. Personal appearance is required if the party requests an ex parte order seeking to restrain another party from the family home or contact with the other party or children. Unless notice is specifically excluded by statute, no ex parte order shall be presented without notice to opposing counsel or opposing party without counsel. If counsel for any party, or a party, has appeared either formally or informally, notice is required. If necessary, notice may be by telephone or facsimile. This rule applies regardless of whether service is required on the attorney or a party pursuant to CR 5(b)(4). The movant shall be responsible for making arrangements to have the clerk deliver the court file for the hearing. Parties are advised to telephone the Superior Court Administrator in advance to ensure that there will be a judicial officer available to hear the ex parte calendar.

F. Civil Trials

Civil cases may be noted to the motion docket for trial setting at any time after the pleadings are closed. Cases noted for trial setting will be assigned for trial by the Court Administrator. The form at **Appendix LR-1F** shall be used to note cases for trial. Counsel is not required to appear at the trial setting unless they are objecting to the trial setting.

G. Criminal Cases and Pre-trials

Criminal trials shall be scheduled to begin at 9:00 a.m. on the fourth Tuesday of each calendar month. The jury, if necessary, will be scheduled to arrive at 1:30 p.m. of that day. In every criminal case, whether it is specifically ordered or not, there shall be a pretrial hearing on Monday at 1:30 p.m. in the calendar week preceding the calendar week of trial unless it is a non-judicial day in which case it shall be held on the Monday immediately preceding which is not a non-judicial day. Attendance by the defendant at the pretrial hearing is mandatory. If the defendant does not attend the pretrial hearing a warrant may be issued for his or her arrest and the trial date reset. All motions in limine shall be filed and served five days in advance of the pretrial hearing for hearing on that day and shall be

deemed waived if not so presented. Responsive pleadings shall be filed and served one day before the pretrial hearing.

Jury instructions shall be filed, served and bench-copied on or before the pretrial hearing. Sanctions may be imposed for failure to do so.

H. Support Enforcement Calendar

The support enforcement calendar shall be heard on the first Wednesday of January, March, May, July, September, and November commencing at 9:00 a.m.

RULE 2: FILING

Except in consolidated cases, no documents shall be filed with more than one case number, unless sufficient copies are simultaneously provided for each cause. Where there are multiple cases numbers and no copies provided, the Clerk shall place the documents only in the first case number designated.

For all causes wherein an Order for Consolidation has been entered for the purpose of trial, the caption shall include the separate titles of the consolidated actions, along with the specific cause numbers, an indication to the clerk of which cause number the pleadings shall be filed under. The party filing the pleadings shall provide copies for each cause listed. If no indication is made and a copy is not provided for each cause the clerk shall place the pleadings into the lowest or earliest filed cause.

In all causes wherein an Order for Consolidation has been entered said order shall designate in what action all future pleadings shall be filed, and a copy of said order shall be filed in each case. Said order would be the last document filed in the undesignated case number.

Facsimile and Electronic filing shall not be allowed absent court order. All pleadings, and other papers presented for filing with the Clerk shall be on 8 ½ by 11 paper and shall be printed on one side only. The Clerk may refuse to file any papers not in conformance with this rule.

RULE 3: JUVENILE OFFENDER MATTERS

A. COSTS

Attorney's fees may be assessed against the juvenile, parent, or other person legally obligated to support the juvenile, when public funded counsel is used for defense (RCW 13.40.145). Partial detention costs for adjudicated offenders may be assessed pursuant to RCW 13.40.220. Detention costs shall be based on the parties ability to pay but not to exceed \$150.00 per day of detention. The State of Washington Determination of Indigency Report form, pursuant to RCW 10.101.020, shall be used in determining parental financial obligations.

A hearing, judgment and order determining parental financial obligations shall take place following disposition, or as otherwise directed by the Court.

B. SEALING

On the first Thursday of each month at 9:00 a.m., there will be a " hearing to seal juvenile court records " which will be sealed administratively unless the court receives an objection or compelling reason (e.g., legal financial obligation still owing) not to seal. If said date falls on a non-judicial day, these hearings shall be scheduled for the first Thursday of the month following which is not a non-judicial day. These hearings shall be scheduled for the first hearing following the date the juvenile turns 18 years of age or, if the juvenile is determined to be on supervision, or on a JRA commitment, or parole beyond his/her 18th birthday or the first hearing following scheduled termination of supervision/parole (assuming the juvenile serves maximum number of months in his / her commitment range.) The hearing date will be set by the disposition order which shall note same as a clerk's action if the juvenile qualifies for an administrative sealing. The juvenile is not required to be present at the hearing.

Psychological and other treatment evaluation reports as well as predisposition reports shall be considered and shall be filed under seal in the " confidential side" of the official juvenile court file which shall be open to the parties and the judge, but not open to the public unless ordered by the court. Said exhibits may be returned or destroyed pursuant to the rules governing other exhibits.

RULE 4: JUVENILE NON-OFFENDER MATTERS (reserved)

RULE 5: DOMESTIC RELATIONS MATTERS

A. Show Cause Hearings

In all show cause orders where a party is directed to “personally” appear and show cause, said party shall appear in person and subject himself to examination by counsel. Any such party must be given at least five days’ notice of the time and place of the show cause hearing.

B. Testimony Required

The sworn testimony of at least one of the parties shall be required to support the entry of a decree of dissolution or a final parenting plan or modification thereof.

C. Affidavits

Affidavits or Declarations in all contested motion hearings, shall not exceed five (5) double spaced pages (exclusive of exhibits), Responsive affidavits shall be served and filed no later than 12:00 p.m. (noon) the day before the hearing. Reply affidavits shall be provided to opposing counsel/party no later than 5:00p.m. the day before the hearing. Reply affidavits shall be limited to a maximum of three (3) double spaced pages and shall be in strict reply to the responsive affidavit.

RULE 6: CRIMINAL MATTERS

PROCEEDURE FOLLOWING ARREST WITHOUT WARRANT

- A. [See CrR 3.1 (d)] Appointment of counsel for indigent defendants shall be made by the Court as soon as is feasible following arrest. Upon such an appointment, the Court shall promptly provide defense counsel with notice of his/her appointment.
- B. Indigent criminal defendants appealing from District Court Judgments shall, within five days after giving Notice of Appeal, request the Superior Court for appointed counsel. If appropriate, the Court shall appoint counsel by written order. Ordinarily, counsel appearing in District Court will be appointed.
- C. [See CrR 3.1 (2)] No defense counsel, whether retained or appointed, shall be permitted to withdraw as such without prior Court approval; provided, however, that after a verdict has been entered, counsel may withdraw without prior approval by the Court.
- D. **Discovery.** [See CrR 4.7] The Prosecuting Attorney shall provide to the defendant, either directly or through the defendant's counsel, a copy of all criminal history record information in a Prosecutor's possession at the Omnibus Order compliance date.
- E. [See CrR 3(b), (c), (d)] All persons arrested on felony charges and held in custody shall, as soon as feasible during the first day upon which the Court is open, be brought before the Superior Court at 11:00 a.m. to be advised of their rights.
- F. A person arrested without a warrant shall have a determination of probable cause no later than forty-eight (48) hours following the person's arrest. Non judicial days shall not be excluded in the calculation of said forty eight (48) hours. The Court shall determine probable cause on the sworn testimony of a peace officer or prosecuting attorney. The sworn testimony may be by written affidavit or electronically recorded, and in either case the testimony shall be preserved.

RULE 7: CIVIL MATTERS (reserved)

RULE 8: SPECIAL PROCEEDINGS MATTERS (reserved)

RULE 9: PLEADINGS/ MOTIONS

- A. **Time for filing.** Parties desiring to submit an application to the Court, legal brief, memorandum of authorities, and any supporting affidavits or other documents on a motion, hearing or trial to be heard shall, unless otherwise particularized under a specific State or local rule, serve and file the same with the Clerk of the Court no later than five (5) court days before the date the party wishes the motion to be considered. Any responsive materials shall be served and filed with the Clerk of the Court by 12:00 noon two days prior to the time set for the hearing or trial. Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing. No documents shall be submitted to the Court unless opposing counsel or the self-represented litigants have been timely provided with copies. Reapplication for order. When an order has been applied for and refused in whole or in part (unless without prejudice), or has been granted conditionally and the condition has not been performed, the same application for an order shall not be made except upon an alleged different statement of facts or law. It shall be shown by affidavit what application was made, when, and to what judge; what order or decision was made thereon; and what new facts or law are claimed to be shown.
- B. **Motions in Limine.** Motions to limit the introduction of evidence should be presented for resolution not later than the regular motion day immediately preceding the assigned trial date or such other date as may be set by the Court.
- C. **Form.** Necessary provisions in orders requiring personal attendance; In all civil proceedings wherein an Order is to be issued requiring the personal attendance of a person to be examined in open Court, the Order shall include the following works in capital letters:
YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE STATED 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 OR UNTIL BAIL IS POSTED.
No bench warrant shall be issued in such cases for the apprehension of the cited person if such language has been omitted
- D. **Delivery.** Working copies of papers requiring thorough consideration by the Court shall be delivered to the Judge's chambers in an appropriate period prior to trial or the hearing therein, but not less than two (2) working days prior to the commencement thereof. Working copies need not be delivered until a hearing has been set in the cause of action involved.
- E. **Documents.** Such papers shall include briefs, memorandums of authority, lengthy affidavits, pleadings, and admitted exhibits. Said briefs or memorandums of authority shall contain statements of the legal issues involved and the authority supporting the same. Nothing herein shall be construed to restrict the right of any parties to submit further briefs or memorandums of authority at any other time during the trial of the case.

- F. **Three Hole Punched.** All working copies shall be punched for a three -ring binder and shall not be stapled.
- G. **All pleadings** shall be typed and double-spaced on pleading paper (numbered lines). The practice of incorporating hand written statements by witnesses or parties by adding same to declarations or affidavits will not be allowed.

RULE 10: PROPOSED JURY INSTRUCTIONS

- A. Proposed jury instruction/s shall be typewritten. Each instruction shall be typed on a separate sheet of paper which bears no marking identifying either the party or the attorney presenting the instruction. No citation or other extraneous matter shall appear on a proposed instruction, except as hereinafter provided.
- B. On or before the pretrial hearing, the proposed instructions shall be distributed as follows:
 - 1. One assembled and numbered copy containing citations of authority, including the number of any applicable Washington Pattern Instruction, shall be filed with the Clerk;
 - 2. The original, unassembled, unnumbered and without citations shall be delivered to the Court;
 - 3. One copy numbered, assembled, and containing the citations of supporting authorities, including the number of any applicable Washington Pattern Instruction, shall be delivered as follows: One to the Court and one to opposing counsel.
- C. Copies of Washington Pattern Instructions are not provided by the Court. If such instructions are proposed, they must be submitted in typed form with the suitable number of copies as outlined above.

RULE 11: EXHIBITS

- A. **Pre-marking.** Counsel shall arrange with the Clerk for the marking of all exhibits prior to the trial.
- B. **Copies.** Unless the making of copies is impractical, legible copies of exhibits shall be furnished to opposing counsel and the court, and numbered the same as marked by the Clerk. This rule shall not apply to rebuttal or impeachment exhibits not required to be offered in the party's case in chief.
- C. A descriptive list of the proposed exhibits shall be e-mailed to the clerk no later than two working days prior to the trial date.
- D. **Offers for Admission.** Counsel shall offer exhibits for admission. A motion for admission is not required.

RULE 12: COURT REPORTING

- A. Pre- trial and post- trial civil motions and other proceedings will not be recorded by a reporter unless requested by a party to the action, or as directed by the Court.
- B. Civil trials will be reported only on a request of a party to the action, which party shall arrange for a court reporter to be in attendance. The cost of such reporter shall be an expense of the requesting party or parties.
- C. In criminal matters, all pre-trial motions and appearances will be recorded electronically, and the Court will arrange for a court reporter to be in attendance for criminal trials at the expense of Adams County.
- D. If partial transcripts are made of the record during proceedings in Superior Court, a copy of such transcription shall be furnished to the Judge.

RULE 13: JURORS

a. Examination of Jurors.

- 1.** At the commencement of trial the Clerk will assign numbers randomly, beginning with the number one, to all jurors called for trial. If a criminal defendant objects to this procedure the numbers will be drawn by the Clerk in open court at the beginning of the trial.
 - a. Prior to the questioning of prospective jurors by counsel, the Court will allow time for counsel to review juror profiles and questionnaires.
 - b. These jurors will be given placards with their assigned numbers on them. These will be large enough to be easily read by the Court, counsel, and the court reporter. The jurors will arrange themselves in order as directed by the Court.
 - c. If alternate jurors are to be selected, the parties are encouraged to stipulate that all preemptory challenges will be exercised against the entire panel. Otherwise, each side will only be allowed the number of preemptory challenges (s) against the alternate juror or jurors as allowed by CR 47(b).
- 2.** The Court will then ask general questions of the prospective jurors.
 - A. "General questions" mean those questions that are designed to discover those jurors who should be excused for cause (e.g., those prospective jurors who are related to a party or who cannot be available for the full time the trial is estimated to take).
 - B. Counsel may request general questions to be asked by the Court as long as they meet the definition in section (2)(A) above.
- 3.** After prospective jurors have been excused for cause, the Court may excuse those jurors who are in excess of the number needed for the trial. The number needed for the trial will be equal to 12 plus the number of alternates, plus the total number of preemptory challenges to which all parties are entitled, plus two to five additional as a cushion for possible additional challenges for cause.
- 4.** Counsel will then question the remaining prospective jurors.
 - A. Each side will have ninety (90) minutes for questioning. Each side may reserve that amount of the allotted time as allowed by the Court for additional questions following the questioning by the other side. Any time expended in arguing a challenge for cause will not be charged to either side.
 - B. The times set forth in section (4)(A) above may be expanded by the Court for good cause shown, such as an extremely complicated case or multiple parties.
 - C. Counsel may use their allotted time in any manner and may question prospective jurors in any order. Counsel may ask group questions or ask jurors to respond to remarks made by other members of the jury panel. (e.g., the first question may be addressed to juror #3 in the box, then a question addressed to the entire panel, or just to jurors #3 and #9 etc.)
 - D. Challenges for cause must be made when they are discovered.
 - E. Objections to questions are made in the usual manner.
 - F. If counsel is pursuing an important issue that relates to the qualifications of the prospective jurors to serve, and time has run out, counsel may request that the Court grant additional time.

- G. The entire panel of prospective jurors is passed for cause when counsel so announces or when the time allotted has been consumed.
 - H. The procedure set forth in this rule shall not apply to cases involving charges of aggravated first degree murder as defined by RCW 10.95.020 if a notice of special sentencing proceeding has been filed.
5. The parties then exercise their peremptory challenges.
- A. All peremptory challenges shall be exercised in open court.
 - B. Challenges may be made to jurors who are not seated in the box.
 - C. When a peremptory challenge is exercised, the next juror on the bench with the lowest number shall replace the juror who was excused from the jury box.
 - D. The parties are encouraged to stipulate regarding peremptory challenges per Rule 47(a) (2) (A).
 - E. Upon request of counsel, time will be allowed between voir dire and the exercise of peremptory challenges.
6. Additional provisions.
- A. Counsel may submit, and Court may allow, special questionnaires focused to the specific case (or type of case) to be submitted to the jurors to answer on the morning of trial before the voir dire process begins. Copies will be made and available to counsel during the questioning of the jurors. Counsel must submit proposed questionnaires to the Court and serve copies on opposing counsel at least five days prior to trial. If this is not done, the Court, in its discretion may not allow special questionnaires. (If a standard questionnaire has been adopted by the Court for particular types of cases counsel may refer to the standard questionnaire rather than serving copies.)
- b. **Jury—Jurors.** Jurors shall be called on a one trial/one day basis. Those persons selected to serve on a jury will be obligated for the duration of that one trial.

RULE 14: GUARDIAN AD LITEM TRAINING AND QUALIFICATION

- A. **Registry.** The Court Administrator shall maintain a registry of persons who are willing and qualified to act as Guardians Ad Litem in guardianship matters. The Court will select as guardians ad litem only persons appearing in the registry, except in extraordinary circumstances.
- B. **Eligibility.** In order to be eligible for the registry, a person must file with the court administrator a written Statement of Qualifications as prescribed by RCW 11.88.090 (3)(b)(i) and Certificate of Completion of Training evidencing the completion of the training program approved by the Superior Court.
- C. **Appointment.** The Court shall appoint as guardian ad litem only a person free from influence of anyone interested in the result of the proceeding. A copy of the guardian ad litem Certificate of Completion of Training shall be filed in each proceeding in which the person is appointed guardian ad litem.
- D. **Guardian Ad Litem Training Program**
Training shall be pursuant to RCW 11.88.090. This training program will be given in conjunction and cooperation with other Washington counties and is scheduled throughout the year by the Administrative Office of the Courts.

RULE 15: Rescission, Modification or Renewal of No-Contact Orders

A protected party or parent/guardian of a protected party who is a minor desiring to rescind, modify or renew a statutory no contact order may contact the Clerk of the Court for pre-printed forms necessary.

Such motions shall be noted to the motion docket and be served personally upon the respondent at least five days in advance thereof. In the case of no contact orders issued in a criminal case, the office of the Adams County Prosecuting Attorney shall also be served. Proof of service shall be filed before the matter is heard.

The factors the Court will consider in determining whether to rescind, modify or review no-contact orders include but are not limited to whether the victim has had a chance to make alternate plans for safety, the status and nature of any criminal proceedings against the respondent/defendant. The respondent's /defendant's compliance with the terms of his/her Judgment and Sentence, whether the respondent/defendant has completed any course of education or counseling addressing perpetrators of violence, and other risk factors.

Petitioners are strongly recommended to consult with a domestic violence advocate prior to the hearing. The clerk of the court shall maintain a list/directory of domestic violence victim advocacy programs available in Adams County and abutting counties.

If a no-contact order is rescinded, modified or renewed the order rescinding, modifying or renewing the original order shall be forwarded to applicable law enforcement agencies by the Clerk of the court.

RULE 16: SUSPENSION OR MODIFICATION OF RULES

The Court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown therefore or upon the Court's own motion.

RULE 17: EFFECTIVE DATE

The rules replace and supercede all existing Adams County Superior Court rules and become effective _____. They shall be cited as ACLR (Adams County Local Rules)