

Local Court Rules

*of the
Superior Court
for*

Island and San Juan Counties

Effective September 1, 2004

SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR THE JUDICIAL DISTRICT OF ISLAND AND SAN JUAN COUNTIES

ALAN R. HANCOCK

Judge

VICKIE I. CHURCHILL

Judge

DONALD E. EATON

Court Commissioner

KAREN A. LERNER

Court Commissioner

SHERRY CAMERON

Court Administrator

ORDER

In the Matter of the Adoption
of

**LOCAL RULES OF COURT for the Judicial District composed of
Island and San Juan Counties, State of Washington**

IT IS HEREBY ORDERED that the Local Rules herein be, and the same are hereby, approved and adopted as Local Rules of Practice and Procedure in the Superior Court of the State of Washington for the Judicial District of Island and San Juan Counties.

The Local Rules herein shall take effect and be in force from and after the 1st day of September 2004, and all other Local Rules or designated Special rules shall be abrogated.

These Local Rules are a supplement to Rules for the Superior Court.

DATED this _____ day of _____, 2004.

**VICKIE I. CHURCHILL, JUDGE
DEPARTMENT 2**

**ALAN R. HANCOCK, JUDGE
DEPARTMENT 1**

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PART I
LOCAL CIVIL RULES (LCR)
SUPERIOR COURT FOR ISLAND AND SAN JUAN COUNTIES

Effective September 1, 2004

1. INTRODUCTORY
(Rules 1-2A)

LCR 1. SCOPE OF RULES

Unless specifically designated otherwise, these rules shall govern the local procedure in the superior court for the Island-San Juan Judicial District, comprised of Island County and San Juan County. These rules are subject to amendment at the direction of the judges.

Counsel and litigants should check with the court administrator or county clerk to assure that the rules applicable to their matters are currently in effect.

LCR 2 – 2A. *(No Local Rules)*

2. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS,
MOTIONS AND ORDERS
(Rules 3-6)

LCR 3 – 4.1 *(No Local Rules)*

LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Service – When Required.

(1) *Emergency Orders.* A party applying for an emergency order which will require or forbid the doing of some act shall notify the opponent or his or her counsel, if known, and shall request his or her presence at presentation of the order, unless good cause to the contrary is shown. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given. See also, LCR 9(a).

(b) Service – How Made. *(No Local Rules)*

(c) Filing. *(No Local Rules)*

(d) Filing With the Court. All notices for the law and motion calendar shall be filed with the clerk of the court no later than 4:30 p.m. seven (7) days preceding the date of the hearing.

(e) Filing by Facsimile With Clerk. See LCR 78(d).

(f) Service of Papers by Facsimile on Attorney or Party. Service of all papers other than the summons and other process may be made by facsimile transmission as follows:

(1) *Fax Machine Availability.* Pleadings and such other papers may only be served by facsimile transmission upon a *pro se* party or attorney if the intended recipient makes available a facsimile machine at the recipient's residence or place of business.

(2) *Length.* Pleadings and such other papers regarding any hearing which total more than 25 pages in length may not be served by facsimile without prior approval of the intended recipient.

(3) *Transmittal Sheet.* Any pleadings or such other papers transmitted by facsimile must be accompanied by a facsimile transmittal sheet containing, at a minimum, the following information: identification of pleading or other

paper being transmitted, number of pages of pleading or paper, sender's name and sender's telephone and facsimile numbers.

(4) *Receipt of Documents.* A pleading or such other paper transmitted by facsimile shall be deemed received at the time the recipient's facsimile machine registers the transmission of the last page. If that time is after 5 p.m., the pleading or other paper shall be deemed received the following day. If a pleading or other paper is received after any time set forth as a deadline herein, and prior to the next day, the pleading or other paper shall be deemed received the following day. If a pleading or other paper is not completed transmitted, it shall not be considered received.

(5) *Delivery of Original to Recipient.* The transmitting party shall mail or deliver a copy of the transmitted pleading or other paper to the recipient of the facsimile transmission by the next day.

(6) *Time.* Time shall be computed as set forth in Civil Rule 6 and LCR 6 herein.

(7) *Facsimile Machine Not Required.* Nothing in this rule or other rule allowing service by facsimile transmission shall require an attorney or party to have a facsimile machine.

LCR 6. TIME

(a) **Computation.** Pursuant to Civil Rule 6, the computation of a time period begins on the day *after* the triggering act, event, or default occurs, and includes the last day of the period computed. If the defined period of time would expire on a Saturday, Sunday, or legal holiday,

the time period is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Legal holidays, as prescribed in RCW 1.16.050, include New Year's Day, birthday of Dr. Martin Luther King, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a defined period is less than seven (7) days, then intermediate Saturdays, Sundays, and legal holidays are excluded from the calculation. This local rule is not intended to change Civil Rule 6 (a).

(b) **For Motions – Affidavits.** A written motion, other than one which may be heard *ex parte*, and notice of the hearing thereof shall be served no later than nine (9) days before the time specified for the hearing, unless a different period is fixed by statute, these local rules or by order of the court. When a motion is supported by affidavit or other documents, the affidavit or other documents shall be served with the motion; and, except as otherwise provided in Civil Rule 59 (c), opposing affidavits may be served not later than 4 p.m. two (2) days before the hearing. Affidavits in strict reply to the opposing affidavits may be served not later than 4 p.m. one (1) day prior to the hearing. No additional responses or replies shall be permitted from either party without permission of the court.

(c) **Additional Time After Service by Mail.** If a court order or Rules for Superior Court allow service of a notice or other paper by mail, three (3) days shall be added to the prescribed period, pursuant to CR 5(b)(2)(A).

3. PLEADINGS AND MOTIONS (Rules 7-16)

LCR 7. PLEADINGS ALLOWED; FORM OF MOTIONS.

(a) **Motions and Other Papers.** Motions and other papers must contain the following:

(1) *Relief Requested.* The specific relief the court is requested to grant;

(2) *Statement of Grounds.* A concise statement of the grounds upon which the motion is based;

(3) *Statement of Issues.* A concise statement of the issues of law upon which the court is requested to rule;

(4) *Evidence Relied Upon.* The evidence on which the motion or reply is based shall be

identified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim, or a photocopy of relevant pages thereof must be attached to the motion. Deposition testimony in connection with a motion shall not require publication thereof unless a challenge is made thereto and an opposing party shows good cause for such publication. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court; and

(5) *Legal Authority.* Any legal authority relied upon must be cited.

(6) *Memorandum of Authority.* Provided, however, that items (1) – (5) above may be contained in a memorandum of authority in support of the motion.

(7) *Mandatory Forms.* This rule is not intended to modify or replace any mandatory forms required by law.

(b) **Dispositive Motions.** All dispositive motions shall be noted to be heard by the judge assigned to preside over the case, except (1) upon agreement of the assigned judge, (2) upon agreement of the parties or attorneys, and (3) only upon good cause shown.

(c) **Limits to Replies.** Replies shall be limited to the issues or facts raised by the responding party in the response to the motion.

(d) CourtCall Telephonic Appearance Rule.

(1) *Program Overview.*

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

(B) Hearings will be held on a specific calendar in the usual manner, unless the court

exercises its discretion to call cases in a different order.

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

(D) CourtCall Appearances are scheduled, in writing, in advance, by counsel or *pro se* parties serving on all other counsel and *pro se* parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than seven (7) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall Appearance. The court may shorten the time for serving the request for good cause shown.

(2) *Participation in CourtCall Appearances*

(A) **Court.**

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

(ii) Subject to the court’s right to amend this list, the following matters are currently deemed unsuitable for CourtCall Appearances.

1. Judgment Debtor Examinations;
2. Mandatory Settlement Conferences;
3. Hearings and trials at which oral testimony may be presented;
4. Hearings in which oral argument is anticipated to exceed 15 minutes, unless the

matter has been specially set by the court administrator and appropriately scheduled through Court Call.

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

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

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

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

(vii) Upon proper motion, the court in its discretion may waive the CourtCall fee for a party who is found by the court to be indigent or for his or her counsel.

(B) Attorneys and Pro Se Parties.

(i) Attorneys and *pro se* parties electing to make a CourtCall Appearance shall serve, on all other parties in the case, the Request for CourtCall Appearance form, fax or otherwise deliver a copy of the form to CourtCall, LLC, and pay the CourtCall Appearance Fee in the method prescribed, not less than seven (7) court days before the hearing date. The court may shorten the time for serving the request for good cause shown.

(ii) When the Request for CourtCall Appearance is made at the same time as the filing of the hearing documents or response, in addition to the Request for CourtCall Appearance form, the words "CourtCall

Appearance Requested" shall be printed below the department, date, and time of the hearings on the first page of the papers filed with the court and courtesy copies for the judge.

(3) Appearance Procedure.

(A) An attorney or *pro se* party making a Court Call Appearance shall:

(i) Eliminate to the greatest extent possible all ambient noise from the calling location;

(ii) Be required, during the speaker's appearance, to speak directly into a telephone handset;

(iii) Not call in with cellular or cordless telephone devices or through a personal computer.

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

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

(e) Schedule to Provide Courtesy Copies for Judge. See LCR 8(b).

(f) Motions and Orders to be Separate. Motions and orders shall not be combined into one document. Rather, an order shall always be set forth in a separate document from the motion itself.

LCR 8. GENERAL RULES OF PLEADINGS AND MOTIONS

(a) **Special Set Hearings.** In the event motions in a case are expected to take longer than a total of 15 minutes to be heard, the parties shall obtain a specially set hearing date and time from the court administrator. The moving party shall arrange the hearing after conferring with opposing counsel with regard to conflicts.

(b) **Courtesy Copies for Judge.** A copy of all briefs, affidavits and declarations, and other documentary evidence to be considered by the court shall be provided to the judge assigned to preside over the trial or hearing at the same time as such documents or documentary evidence are required to be served on the opposing party as provided in the court rules or local rules herein.

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

(2) *Delivery.* It is the court's preference that all courtesy copies for the judge be mailed or personally delivered to the court administrator in Island County or when the court administrator is in San Juan County. If time does not permit mailing or personal delivery, then the court will accept faxed copies to the court administrator in Island County. The court reserves the right to charge a reasonable fee for fax copies. No more than 25 pages may be faxed without prior permission from the intended recipient.

(3) *Courtesy Copies Are Discarded.* Courtesy copies are discarded after ten (10) days from the assigned hearing date, unless the parties or counsel notify the court administrator of a new hearing date and request that the courtesy copies be retained. If either party fails to do so, it will be the responsibility of the parties or counsel to provide new courtesy copies to the court as provided herein.

(c) **Default Orders, Decrees or Judgments.** If an order, decree or judgment has been entered by default, the prevailing party or the

attorney representing the prevailing party shall immediately mail a conformed copy of the original order, decree or judgment, including the date the original was entered by the court, to the opponent or opponent's attorney at his or her last known address. An affidavit or declaration showing proof of service by mailing shall be filed with the clerk. If an attorney does not represent the prevailing party, it shall be the prevailing party's duty to ensure compliance with this rule.

(d) **Jurisdictional Declaration in Dissolution Cases.** If a decree of dissolution is entered by joinder, agreement, or default, an attorney representing the petitioner or the respondent may present jurisdictional testimony pursuant to a "Request for Entry of Decree and Declaration of Jurisdictional Facts," which may be found in the Forms Appendix. If both parties are *pro se*, one party's presence in court is required.

LCR 9. SPECIAL MATTERS: MOTIONS AND PLEADINGS

(a) **Motions to Shorten Time.** Motions to shorten time for a hearing shall be granted only upon good cause shown. The party requesting an order to shorten time shall give verbal and written notice as soon as possible to opposing parties regardless of when pleadings are prepared and provided. Such motions shall contain a written certification that *pro se* parties or attorneys were notified of the time and place of requesting the order to shorten time, or the reasons why such notice was not given. The court may impose terms, including an award of attorney fees, where the court later finds there was insufficient need for shortening time. See also, LCR 5(a)(1).

(b) **Petition for Family Court.** A party requesting a hearing before Family Court shall file a petition with the superior court clerk and obtain a specially set hearing date and time from the court administrator.

(c) **Pro Se Parenting Plans and Pro Se Child Support Orders – Review.** In any action in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented

by counsel, the parenting plan and child support documents shall first be reviewed, approved and initialed by the court facilitator in the county in which the action is pending, or, if there is no court facilitator, by the juvenile court administrator in the county in which the action is pending. A proposed parenting plan does not need to be initialed and approved as provided above, but any parenting plan submitted for court approval must be so initialed and approved.

(d) Motions in Dissolution Actions.

(1) *Standard Forms and Supporting Affidavit or Declaration.* Motions for temporary support, maintenance, restraining orders, parenting plans, costs, attorney fees and show cause orders in connection therewith shall be in compliance with any standard forms required by law and local rules herein and shall be supported by the affidavit or declaration of the moving party.

(2) *Blank Affidavit or Declaration Provided to Pro Se.* When one of the parties is *pro se*, a blank affidavit or declaration shall be attached to the motion for temporary orders and show cause order and served on the other party. In addition, the motion for temporary orders and show cause order shall contain the following language: *"At the hearing, the court will consider written sworn affidavits or declarations under penalty of perjury. Oral testimony may not be allowed. If you wish to respond, prior to the hearing you must: (1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.*

FAILURE TO APPEAR MAY RESULT IN A TEMPORARY ORDER BEING ENTERED BY THE COURT THAT GRANTS THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE."\

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

(3) *Evidence on Motions.* Hearing with respect to all temporary orders shall be held and determined only upon the pleadings, affidavits or declarations, and other papers filed, unless the court directs otherwise.

LCR 10. FORM OF PLEADINGS AND OTHER PAPERS.

(a) **Caption.** After the initial pleading, all further pleadings shall contain the case number and title of document before filing with the clerk.

(b) **Paper Size.** All pleadings shall be on 8 ½" x 11" white paper, with copy on one side only.

(c) Format Requirements.

(1) *Filing.* The first page of all documents filed shall have a three-inch (3") top margin and all subsequent pages shall have a 1-inch (1") top margin. Side and bottom margins shall be one inch (1") on all pages.

(2) *Tabs.* Any tabs or separators used within documents shall be placed at the bottom of the page. If any tabs or separators are used on the sides of documents, the tabs or separators shall be removed and shall not be imaged for archiving purposes.

(3) *Typing/Color Photographs.* All court documents submitted for filing must be typed or printed legibly using black or dark blue ink. Since color photographs do not produce usable scanned or microfilmed images, black and white reproductions are preferable to obtain a better copy for imaging and microfilming reproduction.

(d) **Conformed Copies.** Court documents served on an opposing party shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the filed original.

(e) **Guardianship Hearing Dates.** In all reports required by RCW 11.92 *et seq.*, the title

shall contain, in addition to the name of the report, a notation to the clerk to set the next report date, i.e., **“Clerk’s Action Required: Next Hearing Date and Time: (date) at 9:30 a.m.”**

LCR 11. SIGNING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA

(a) **Signatures Required.** Every court document submitted for filing must be signed by the declarant or affiant, party or judicial officer. Declarations or sworn statements shall be signed by the declarant or affiant.

(b) **Sanctions.** Violation of any of these local rules may result in sanctions, including but not limited to, imposition of monetary terms, striking of pleadings or denial of affirmative relief to a party not in compliance with these rules.

LCR 12 – 15 (No Local Rules)

LCR 16. PRETRIAL PROCEDURE AND FORMULATING ISSUES

(a) **Pretrial Readiness.**

(1) *Time.* The court administrator shall set pretrial readiness hearings in all civil and domestic cases approximately a month prior to the assigned trial date.

(2) *Matters Considered.* Matters to be considered at the readiness hearing may include, but are not limited to, the following: completion of mandatory mediation, completion of mandatory parenting seminar, witness availability, confirmation of length of trial, continuance of trial date pursuant to LCR 40, and pretrial motions.

(3) *Completion of Discovery.* Unless otherwise stipulated by the parties, or ordered by the court upon good cause shown and on such terms and conditions as are just, all discovery allowed under CR 26-27, including responses and supplementation thereto, must be completed no later than the scheduled date of the pretrial readiness hearing. Nothing herein stated shall modify a party’s responsibility to promptly supplement responses to discovery

rules or otherwise comply with discovery no later than the scheduled date of the pretrial readiness hearing.

(4) *Statement of Readiness for Trial.* If there are no matters to be resolved by the court, a party’s personal appearance at the readiness hearing may be waived, provided the party has certified his or her readiness for trial with a written statement of readiness for trial filed with the court. The form of the Statement of Readiness for Trial may be found in the Forms Appendix.

(b) **Mandatory Mediation in Family Law.**

(1) *Mediation Required.* All contested issues in the following cases shall be submitted to mandatory mediation: All family law petitions, including marriage dissolutions, legal separation, and declaration of invalidity; non-parental child custody proceedings; paternity child custody proceedings; actions brought by parties to non-marital personal relationships involving parenting and/or distribution of assets/liabilities; and petitions for modification of final order. Mediation shall be completed at least 60 days prior to the scheduled trial date.

(2) *Waiver.* The mediation requirement may be waived or modified by the court upon motion for good cause shown, e.g., RCW 26.09.191, or upon the court’s own motion.

(3) *Effect on Court Proceedings.* Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order. The court may enter temporary orders and the parties may conduct discovery prior to or during the mediation process.

(4) *Approval of Mediators.* Mediators performing mediation services pursuant to this rule must fulfill certain minimum qualifications established by the court. The court administrator and San Juan clerk’s office shall maintain a list for each respective county of such minimum qualifications for distribution to the public. In order to fulfill the mediation requirements of this rule, the parties must use the services of a court-approved mediator. The court administrator shall maintain a list of

approved mediators, either persons or agencies, for distribution to the public. The list shall contain the following information: each mediator's name, organization, if any, address and telephone number, and fee schedule.

(5) *Selection of Mediator; Right of Mediator to Decline.* The parties may have their case mediated by the mediator of their choice. If the parties cannot agree on the method of selection of the mediator, upon motion, the court administrator shall select a mediator on a rotating basis from among the court-approved mediators. If the parties cannot agree on the method of selection of the mediator and both parties are indigent, the designated dispute resolution center in each county, provided one is designated, shall be the mediator. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator, using the same selection process by which the preceding mediator was selected.

(6) *Authority of Mediator.* The mediator has the authority to determine the time, place, manner, and duration of mediation. In appropriate cases, the mediator shall have the authority to terminate the mediation prior to completion.

(7) *Attendance.* The parties shall personally attend all mediation sessions, unless the mediator permits telephonic or other attendance. The mediator shall have the authority to require other persons to attend.

(8) *Declaration of Completion.* Within seven (7) days of completion of mediation, a declaration that mediation has been completed shall be filed with the court by the mediator. The mediator shall advise counsel and the parties of the results of mediation in writing. The mediator shall advise the court only whether an agreement has been reached on some or all of the issues.

(9) *Payment.* Mediators shall be paid by the parties in accordance with the agreement of the parties, or, in the absence of agreement, as determined in mediation.

(10) *Confidentiality.* The work product of the mediator and all communications during the mediation shall be privileged and confidential and not subject to compulsory disclosure. The mediator shall not appear to testify in any court proceedings. See RCW 5.60.070.

(11) *Responsibility for Compliance.* The parties shall be responsible for arranging for and completing all mediation requirements established under this rule.

(12) *Failure to Comply.* Willful refusal to participate in mediation or willful delay in completion of a court ordered mediation by any party may result in sanctions.

(13) *Effective Date.* This rule shall apply to all cases described herein, including modifications filed after January 1, 1997.

(c) Mandatory Parenting Seminars.

(1) *Required.* Attendance at parenting seminars is mandatory for both parties in all cases filed under Ch. 26.09, 26.10, or 26.26 RCW which require a parenting plan or residential plan for minor children. In cases of paternity actions initiated by the prosecuting attorney's office, the parenting seminar shall be required only when paternity is established or acknowledged and a parenting plan is requested.

(2) *Completion.* The parties shall complete an approved parenting seminar within 90 days of service of a petition or motion initiating an action that is subject to this rule, except on good cause shown. The class shall be completed and a certificate of completion filed with the court prior to entry of a permanent parenting or residential plan. Additionally, a copy of the certificate of completion shall be provided to the judge at presentation of final documents.

(3) *Fees.* The court shall establish standards for parenting seminars and shall approve seminar providers. Each party attending a seminar shall pay a fee charged by the approved provider and authorized by the court.

(4) *Seminar Providers.* The court shall establish standards for parenting seminars and shall approve seminar providers. A list of approved parenting seminars shall be available from the court administrator, juvenile court administrator, or county clerk. If a parenting seminar is not included on the list, then the court, upon proper motion, may allow other seminars to fulfill this requirement on a case-by-case basis.

(5) *Special Consideration; Waiver.* In no case shall opposing parties be required to attend a seminar together. Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or if the court determines that attendance at a seminar is not in the children's best interest, pursuant to Ch. 26.12 RCW, the court shall either waive the requirement of completion of the seminar, or allow participation in an alternative parenting seminar if available.

(6) *Failure to Comply.* Willful refusal to participate in a parenting seminar or willful delay in completing court ordered parenting seminar may result in an order to show cause, as well as sanctions. The form of the Order to Show

Cause Re: Parenting Class may be found in the Forms Appendix.

(d) **Settlement Conference.** Any party in a civil action may schedule a pretrial settlement conference through the court administrator.

(1) *Conference Judge.* The settlement conference shall be before a judge who has not been assigned to preside at any subsequent trial.

(2) *Mandatory Attendance.* Attendance at the settlement conference by all parties and counsel shall be mandatory, unless the court determines that circumstances exist precluding said attendance.

(3) *Setting.* Settlement conferences shall be set and heard no later than 21 days prior to trial.

(4) *Issues.* The parties shall provide documentation clearly stating the issues involved to the conference judge at least two (2) days prior to the conference.

4. PARTIES (Rules 17-25)

(No Local Rules)

5. DEPOSITIONS AND DISCOVERY (Rules 26-37)

LCR 26-32 *(No Local Rules)*

LCR 33. INTERROGATORIES TO PARTIES

(a) **Procedures for Use.** A party submitting interrogatories shall serve and leave with the person to whom the interrogatories are directed

the original thereof together with a copy. A copy of the face page containing proof of service may be filed.

LCR 34 – 37 *(No Local Rules)*

6. TRIALS (Rules 38-53.4)

LCR 38. JURY TRIAL BY RIGHT

(a) **Demand for Jury.** If a jury trial is requested in a civil matter, a jury demand together with the required jury fee must be on file at the time the case is set for trial or the jury will be deemed waived.

LCR 39. TRIAL BY JURY OR BY THE COURT.

(a) – (c) *(No Local Rules)*

(d) Trial Briefs and Required Documents.

(1) *Trial Brief or Memorandum.* In all contested civil trials, each party shall prepare a trial brief or memorandum of authorities containing the legal issues involved and the authorities supporting same.

(2) *Other Required Documents.* In addition to the above, in all contested trials in domestic relations matters, each party shall provide the court with the following:

(A) A written pretrial information form indicating a proposed division of assets and liabilities. The form of the Domestic Relations Pre-Trial Information may be found in the Forms Appendix.

(B) If children are involved, a proposed parenting plan and child support worksheets.

(3) *Time.* Copies of all required documents shall be filed with the clerk, copies served on opposing counsel and a copy shall be provided to the assigned judge by noon two (2) days prior to the date set for commencement of trial.

LCR 40. ASSIGNMENT OF CASES

(a) **Notice of Trial – Issues.** All notes for trial setting on contested cases shall, in addition to counsel's estimate of time needed for trial, indicate the issues which counsel believes will be in dispute, and shall contain the names and addresses of all attorneys, guardians ad litem, or parties appearing *pro se*. Counsel or the parties appearing *pro se* shall certify that the issues are joined. If opposing counsel disagrees with the statement of issues or estimate of time needed, opposing counsel shall, prior to the trial assignment date, promptly notify the court administrator thereof in writing. Counsel or parties appearing *pro se* are urged to request sufficient time for these matters. Overestimation is preferred to underestimation of time needed. The form of the Note for Trial Setting may be found in the Forms Appendix.

(b) **Conflict Dates.** Counsel shall file with the clerk of the court a notice of conflict dates on or before 9 a.m. of the date set for trial

assignment. Conflict dates shall be limited to previously scheduled vacations and trial dates. The form of the Notice of Conflict Dates may be found in the Forms Appendix.

(c) **Trial Date Assignment.** The court administrator will assign cases a specific trial date and notify the parties by mail of such date. There are no personal appearances by counsel or *pro se* parties on the trial assignment calendar. Counsel or parties shall be required to be prepared for hearing or trial on the date set regardless of the order in which the case is set.

(d) **Priority Settings.** All calendar matters are subject to the established rule that criminal cases, juvenile proceedings, and civil proceedings entitled to priority settings take precedence over all other matters and may at times cause postponement of lesser prioritized cases.

(e) **Continuances.** Continuances may be granted upon agreement of the parties and upon presentation of an order of continuance. However, if the continuance is sought within thirty (30) days of the assigned trial date, the moving party shall bring a motion for continuance, supported by affidavits, with notice to the opposing party, and properly note the matter pursuant to the local court rules. The parties shall immediately provide the court administrator with a copy of a signed order of continuance.

(f) **New Trial Date.** Within 10 days after a trial date is continued by the parties or by the court for any reason, the parties may obtain an agreed new trial date from the court administrator. If the parties cannot agree on a new trial date, the parties shall submit a new note for trial assignment and notice of conflict dates to the court administrator within 10 days after the trial date is continued by the parties or by the court for any reason, requesting assignment of a new trial date.

(g) **Settlement of Cases Set for Trial.** Notice shall be given immediately to the court administrator if any case, which has been assigned a trial date, is settled or will not be tried for any reason whatsoever. If this rule is violated and the court incurs unnecessary

expenses, such as jury expenses, the court may in its discretion assess such costs to the parties.

(h) Confirmation of Trials

(1) It shall be the responsibility of the parties to confirm that their trial will proceed on the scheduled trial date.

(2) Confirmation shall be made by telephone to the court administrator's office (360) 679-7361 no earlier than seven (7) or later than two (2) court days prior to the scheduled trial date.

LCR 41 – 42 *(No Local Rules)*

**LCR 43. TAKING OF TESTIMONY;
EXHIBITS**

(a) Matters Not Reported. Unless requested by a party and expressly directed by the judge, the following matters will not be reported:

(1) Opening statements and closing arguments in non-jury civil trials;

(2) Ex parte matters on the law and motion calendar;

(3) Verbal statements in a tape recording; and

(4) Video tape recording used at trial or in a hearing.

(b) Trial Exhibits.

(1) *Marked in Advance of Trial.* In all contested matters, the parties shall cause all exhibits, except such exhibits which are intended for impeachment purposes, to be marked for identification by the clerk in advance of trial.

(2) *Copies.* Copies of all documents offered as exhibits, except large maps or drawings, shall be prepared and presented to opposing counsel and to the assigned judge at such time as the exhibits are offered into evidence.

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

(4) *Return or Destruction of Exhibits.* In any civil case on stipulation of the parties, when judgment in the cause 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.

(5) *Records in Administrative Appeals.* Records of proceedings and exhibits filed as the record in an appeal of any administrative hearing shall be presumed to be exhibits to the file in the superior court. Any video conference tapes or audio tapes shall have a transcript filed in addition to the video or audio tape.

LCR 44 – 50 *(No Local Rules)*

**LCR 51. INSTRUCTIONS TO JURY AND
DELIBERATION**

(a) Proposed. Proposed jury instructions shall be submitted prior to commencement of trial but in no event later than 9:00 a.m. the day on which the case is called for trial.

(b) Submission.

(1) *Cited Instructions for Court.* The parties shall file the original proposed jury instructions with the clerk and shall provide one copy to the trial judge and one copy to the opposing party. The proposed instructions shall be numbered and identified as to proposing party and shall contain supporting annotation and the number of the Washington Pattern Instruction (WPI) thereon.

(2) *Uncited Instructions for Jury.* The parties shall further provide the trial judge with one set of such proposed jury instructions to be given to the jury, which set shall not be numbered but shall contain a space to enter a

number, no citations of authority, no reference to the WPI number, and no identification as to the proposing party. The parties shall also include a title page entitled "Court's Instructions to the Jury" pursuant to WPI 1.01.01.

to the judge hearing the matter within 30 days of the judge's oral or written pronouncement. Failure to comply with this rule may be grounds for a new trial or hearing and sanctions.

(b) **Responsibility.** If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision, unless the court orders otherwise.

LCR 52. DECISIONS, FINDINGS AND CONCLUSIONS

(a) **Presentation of Final Documents.** Written findings of fact, conclusions of law, decrees, judgments or orders shall be presented

LCR 53 - 53.4 *(No Local Rules)*

7. JUDGMENT (Rules 54, 55, 57-63)

(No Local Rules)

LCR 56. SUMMARY JUDGMENT

(a) **Confirmation of Summary Judgment Motions.**

(1) It shall be the responsibility of the moving party to confirm all summary judgment motions.

(2) Confirmation shall be made by telephone to the court administrator's office at (360) 679-7361 no earlier than seven (7) or later than two (2) court days prior to the hearing.

8. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)

(No Local Rules)

9. APPEALS (Rules 72-76)

(No Local Rules)

10. SUPERIOR COURTS, CLERKS AND GUARDIANS AD LITEM (Rules 77-80)

LCR 77. SUPERIOR COURT DEPARTMENTS; AUTHORITY

(a) **Departments; Assigned Judges.** The superior court of Island-San Juan Judicial District shall consist of as many departments as there are judges authorized by law.

(b) **Authority.** The authority to manage and conduct the court is vested in the superior court judges. Judges shall have final authority over any matters pertaining to court organization and operations.

(c) **Presiding Judge.** The presiding judge shall be elected by majority vote of the judges for a term of not less than two years, the first two-year term to commence January 1, 2002. The assistant presiding judge, who shall serve as acting judge during the absence or upon the request of the presiding judge, shall also be elected by majority vote of the judges. Vacancies in the office of presiding judge or assistant (acting) presiding judge shall be filled by majority vote of the judges. The presiding judge or assistant (acting) presiding judge may be removed by majority vote of the judges. The presiding judge shall have the general

responsibilities, duties, and authority set forth in GR 29.

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

- (1) Calendaring and jury management;
- (2) Supervision and direction of the work of the court employees;
- (3) Preparation and administration of the budget of the court;
- (4) Assistance in representing the court regarding court management matters.

LCR 78. CLERKS

(a) **Fee for Presentation.** The clerks of the respective counties of this judicial district shall collect in advance a fee to be determined by each clerk's office, not to exceed such amounts allowed by statute, for presentation by the clerk to a superior court judge or court commissioner for entry of any order for which no fee is already established.

(b) **Filing Family Court Documents.** The clerk shall file the petition for Family Court and other documents in a special file maintained for such matters, if no dissolution action has been filed previously. Such Family Court documents may be kept in one file and numbered serially. If the petition states that a dissolution action has been filed, the clerk shall file all Family Court documents in the dissolution file as a part of that cause of action, bearing the same cause number.

(c) **Court Files**

(1) *Signing Out Court Files.* Any file signed out from the clerk's office by an attorney or title company shall be returned and signed in within five (5) days, or earlier if so requested by a judge, court commissioner or clerk. Non-resident attorneys or title companies may

withdraw files upon an order based upon such application signed by the court. In such instance the files, when not taken personally, will be mailed by certified mail, return receipt requested. The cost of mailing and return receipt will be assessed to the applicant. The court file shall not be taken apart for any purpose.

(2) *Compliance.* The clerk shall not permit files to be taken from the clerk's office by attorneys or title companies not complying with this rule.

(3) *Self-Addressed, Stamped Envelope.* If an attorney or any other person requests from the clerk an answer to correspondence or confirmation of any pleadings or other documents, the attorney or person requesting the same shall furnish a self-addressed, stamped envelope for the convenience of the clerk.

(d) **Facsimile Filing of Pleadings With Clerk.** Documents, including pleadings, may be filed with the clerk by facsimile transmission, in accordance with GR 17, with the following change: In addition to the requirements of a fax transmittal sheet contained in GR 17(b)(2), the fax transmittal sheet shall also contain the title and number of pages for each document sent in the transmission.

LCR 79. GUARDIANS AD LITEM.

[See Superior Court Guardian ad Litem Rules (GALR) for general responsibilities of guardians ad litem.]

(a) **Appointments of Guardian ad Litem/Equitable Distribution of Workload.** The court shall equitably distribute the work load of guardians ad litem on the registry, with due regard to the nature of the cases in which the appointment of a guardian ad litem is necessary or appropriate, and to the education, training, and experience of the guardians ad litem on the registry considered for appointment in such cases.

(b) **Supplemental Order.** In any case in which a guardian ad litem is appointed for a

minor, any party may request an "Order Appointing Guardian ad Litem (Supplemental)" in addition to the mandatory "Order Appointing Guardian ad Litem" form. The form of the Supplemental Order may be found in the Forms Appendix.

(c) **Grievance Procedures.**

(1) *Submission of Complaints.* All complaints made by or against guardians ad litem shall be in writing and shall be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint.

(2) *Review of Complaint.* Upon receipt of a written complaint, the court administrator shall refer the complaint to the presiding judge, who shall assign the complaint to one of the judges of the superior court for review.

(3) *Findings and Action of Complaint.* Upon review of the complaint, the reviewing judge shall either:

(A) Make a finding that the complaint is with regard to a case then pending in the court and decline to review the complaint and so inform the complainant. In such instances, the judge shall advise the complainant that the complaint may only be addressed in the context of the case at bar, either by seeking the removal of the guardian ad litem or by contesting the information or recommendation contained in the guardian ad litem's report or testimony; or

(B) Make a finding that the complaint has no merit on its face, and decline to review the complaint and so inform the complainant; or

(C) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person against whom the complaint is brought within 10 business days, detailing the specific issues in the complaint to which the judge desires a response. The judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the judge shall consider whether the complaint

alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer *ex parte* concerning a case for which he or she is serving as guardian ad litem, (vii) violated state or local laws or court rules, or (viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

(4) *Response and Findings on Complaint.* Upon receipt of a written response to a complaint, the judge shall make a finding as to each of the specific issues in the complaint to which the judge desires a response, as delineated in the judge's letter to the person against whom the complaint is brought. Such findings shall state that either there is no merit to the issue based upon the response or that there is merit to the issue.

(5) *Forms of Discipline.* The judge shall have the authority to issue a written admonition or a written reprimand, refer the guardian ad litem (if the complaint is against a guardian ad litem) to additional training, or suspend or remove the guardian ad litem from the registry. In considering an appropriate form of discipline, the judge shall take into consideration any prior complaints that resulted in an admonition, reprimand, referral to training, or suspension or removal from the registry. If the guardian ad litem against whom the discipline is directed is listed on more than one registry, the suspension or removal may apply to each registry the guardian ad litem is listed on, at the discretion of the judge.

(6) *Notice to Complainant and Person Against Whom Complaint is Brought.* The complainant and the person against whom the complaint is brought shall be notified in writing of the judge's decision following receipt of the response to the complaint.

(7) *Confidentiality.* A complaint shall be deemed confidential for all purposes unless the judge reviewing the complaint has determined

(8) that the complaint has merit. Any record of complaints filed which are not deemed by the judge to have merit shall be confidential, and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint was brought has been given notice and an opportunity to be heard.

(9) *Complaint Processing Standards.* Complaints shall be resolved within 25 days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within 60 days of the date of receipt of the written complaint if the complaint is filed after the conclusion of a case.

(10) *Removal from Registry.* When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the court administrator shall send a notice of such removal to the

Administrative Office of the Courts. When the court administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington superior court, the court administrator shall advise the judges of such removal.

LCR 80. COURT REPORTERS

(a) *(No Local Rules)*

(b) **Electronic Recording Device.** The court may use an electronic recording device approved by the Administrative Office of the Courts which is used to record oral testimony and other oral proceedings in lieu of, or supplementary to, shorthand notes. The use of such device shall rest within the sole discretion of the judges.

(c) **Special Set Hearings.** If any matter is expected to last longer than 15 minutes total, the parties must obtain a specially set hearing from the court administrator's office.

11. GENERAL PROVISIONS (Rules 81-86)

LCR 81. PROFESSIONAL CONDUCT.

(a) **Conduct and Dress Code.** All participants and spectators shall follow the Conduct and Dress Code adopted by the judges and posted outside the courtrooms. A copy of the local conduct and dress code may be found in the Forms Appendix.

(b) **Professional Conduct.** All attorneys shall adhere to the Guidelines for Professional Courtesy, as well as the "Courtroom Decorum and Practice Guidelines," a copy of which may be found in the Forms Appendix.

LCR 82. COURT SCHEDULES.

(a) **Court Sessions.** Unless otherwise ordered, court shall be in session every judicial day, except when the judges are absent, from 8:30 a.m. until 4:30 p.m.

(b) **Non-Judicial Days.** Non-judicial days are hereby designated to be every Saturday and Sunday and those days designated by law as legal holidays.

LCR 82.1 ISLAND COUNTY DOCKET.

(a) **Jury Trials.** Jury trials in Island County shall be from 9:30 a.m. until noon in the morning and from 1:30 p.m. until 4:15 p.m. in the afternoon. Jury sessions will be held at such time and for such duration as designated in advance by the court as the docket of cases warrants.

(b) **Civil Law and Motion Day.** Law and motion day for Island County shall be Friday of each week, or such other day as the judges may elect. Scheduling on law and motion day will be as follows:

(1) **9:00 a.m.** Closed hearings, including adoptions.

(2) **9:30 a.m.** Civil motion calendar begins in the following order: ex parte matters; supplemental proceedings; readiness hearings; paternity motions where paternity has previously been determined; uncontested matters in probates and guardianships; uncontested dissolution; all orders to show cause and/or motions in domestic actions; other orders to show cause and/or motions in civil case; motions and orders subsequent to judgment and motions for summary judgment.

(c) **Pro Se Dissolutions.** *Pro se* dissolutions will be heard in Island County at 8:30 a.m. on Tuesday.

(d) **Court Commissioner Calendar.** The court commissioner shall hear the following matters every Monday, or if Monday falls on a legal holiday, then on the following Tuesday:

(1) **8:30 a.m.** Shelter care hearings. (Shelter care hearings shall also be heard, when necessary because of time requirements, on Wednesday at 8:30 a.m.)

(2) **9:00 a.m.** Paternity actions.

(3) **9:30 a.m.** Juvenile court routine hearings and reviews regarding dependencies, at-risk youth and CHINS proceedings.

(4) **1:00 p.m.** Domestic Violence and Anti-Harassment.

(5) **3:00 p.m.** Truancies

LCR 82.2 SAN JUAN COUNTY DOCKET.

(a) **Jury Trials.** Jury trials in San Juan County shall be from 9:00 a.m. until noon in the morning and from 1:30 p.m. to 3:30 p.m. in the afternoon. Jury sessions will be held at such time and for such duration as designated in advance by the court as the docket of cases warrants.

(b) **Law and Motion Day.** Law and motion day for San Juan County shall be Monday of each week, or such other day as the judges may elect. Scheduling on law and motion day will be as follows:

(1) **9:00 a.m.** Closed hearings, including adoptions, uncontested dependencies, paternity and alcohol/mental hearings.

(2) **9:00 a.m.** Domestic matters, including *pro se* dissolution, domestic violence and anti-harassment.

(3) **9:30 a.m.** Civil motion calendar begins, in the following order: dissolution matters; civil matters, including readiness hearings, orders of default, supplemental proceedings, other civil matters and summary judgments.

(4) **1:30 p.m.** Special settings scheduled through the court administrator's office.

(c) **Juvenile Matters.** Juvenile matters in San Juan County, including offender matters, will be heard on Wednesdays, beginning at 12:30 p.m.

LCR 83. COURT APPOINTED SPECIAL ADVOCATE PROGRAM.

This judicial district has a Court Appointed Special Advocate program. Rules and details may be obtained from Juvenile Court Services in the respective counties and from the clerk's office in San Juan County.

LCR 84. INVOLUNTARY COMMITMENT HEARING.

Involuntary commitment hearings shall be held in the respective counties as occasion demands in deference to expediting the hearing, availability of medical testimony, and the convenience of the court. The office of the prosecuting attorney of each county shall notify the court administrator immediately upon the filing of an application, and the time and place of the hearing shall be set by the court administrator at the earliest date compatible with the foregoing factors.

PART II
LOCAL CRIMINAL RULES (LCrR)
ISLAND AND SAN JUAN COUNTIES

Effective September 1, 2004

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

LCrR 1.2. COURT ORGANIZATION AND MANAGEMENT
(No Local Rules)

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

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

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

LCrR 4.2(i) AUTHORITY OF COURT
COMMISSIONERS

Court Commissioners qualified under Article 4, section 23 of the Washington Constitution are authorized to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.200; accept guilty pleas as authorized in this local rule pursuant to RCW 2.24.040(15); appoint counsel; make determinations of probable cause; set, amend,

and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances and accept waivers of the right to speedy trial.

LCrR 4.9. PRETRIAL MOTIONS

The parties or their attorneys shall specially set pretrial motions in criminal matters with the court administrator at least ten (10) days prior to trial.

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

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

LCrR 6.1 TRIAL BY JURY OR BY THE COURT

(a) **Trial Brief or Memorandum.** In criminal trials with contested legal or evidentiary issues, each party shall prepare a trial brief or memorandum of authorities containing the

issues involved and the authorities supporting same and provide the same to the clerk, opposing counsel and assigned judge by noon two (2) days prior to the date set for commencement of trial.

LCrR 7. PROCEDURES FOLLOWING CONVICTION (Rules 7.1-7.8)

(No Local Rules)

LCrR 8. MISCELLANEOUS (Rules 8.1-8.9)

LCrR 8.2. MOTIONS

(a) **Motion Calendar.** Criminal motion calendar shall be set at 1:30 p.m. on Friday in Island County and at 10:30 a.m. on Monday in San Juan County.

(b) **Motions.** Unless changed by the Local Criminal Court Rules, Civil Rules 3.5 and 3.6, Criminal Rule 7(b), and LCR 7 shall govern motions in criminal cases. CourtCall does not apply to criminal cases.

(c) **Presentation of Final Documents.** If a movant's motion is granted in whole or in part, the moving party shall be responsible to prepare and present any written findings, conclusions, and orders necessary as a result of the decision, unless the court orders otherwise.

(4) *Penalty for Criminal Violation of Title 46 RCW;*

(5) *Public Defender funds;*

(6) *Drug Fund/Crime Lab;*

(7) *Fines;*

(8) *Supervision (probation) fee;*

(9) *Reimbursement for jail costs.*

LCrR 8.9 CHANGE OF JUDGE

(a) **Change of Judge.** [See CrR 8.9]

LCrR 8.3. DUTIES OF CLERKS

(a) **Distribution of Funds.** Funds paid pursuant to court order by adult criminal defendants shall be distributed by the clerk of the court in the following order of priority, unless otherwise specifically ordered by the court:

(1) *Restitution;*

(2) *Court costs;*

(3) *Crime Victim Compensation Assessment;*

PART III
LOCAL JUVENILE COURT RULES (LJuCR)
ISLAND AND SAN JUAN COUNTIES

Effective September 1, 2004

TITLE I. SCOPE AND APPLICATION OF RULES

LJuCR 1.1 – 1.3 *(No Local Rules)*

apply in juvenile offense proceedings when not inconsistent with these rules and applicable statutes.

LJuCR 1.4. APPLICABILITY OF OTHER RULES

(a) **Criminal Rules.** The Superior Court Criminal Rules and Local Criminal Rules shall

LJuCR 1.5 *(No Local Rules)*

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.1-2.4 *(No Local Rules)*

no later than three (3) court days before the 30-day shelter care review hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to raise such issues at the 30-day shelter care review hearing.

LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER

(a) *30-Day Shelter Care Review.* If a parent, guardian ad litem, or court-appointed special advocate wishes to contest placement of a child or any service ordered at the shelter care hearing, he or she must file and serve on all parties and counsel a notice of contested issues

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 – 3.8 *(No Local Rules)*

wishes to contest any issue, he or she must file and serve a notice of contested issues no later than three (3) court days before the hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to contest any issue, except the department's permanency plan.

LJuCR 3.9 REVIEW HEARING

(a) *Department's Written Review Report.* A written review report shall be prepared by the department and shall be filed and served on all counsel and parties not less than ten (10) days prior to the review hearing.

(b) *Notice of Contested Issues.* After receipt of the department's report, if a parent, guardian ad litem, or court-appointed special advocate

LJuCR 3.10-3.11 *(No Local Rules)*

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1-4.3 (No Local Rules)

TITLE V. PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES

LJuCR 5.1-5.7 (No Local Rules)

TITLE 5A. PROCEEDINGS FOR AT-RISK YOUTH

LJuCR 5A.1 –5A.6 (No Local Rules)

TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS

LJuCR 6.1 – 6.6 (No Local Rules)

TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

LJuCR 7.1 – 7.2 (No Local Rules)

may be obtained from Island County Juvenile Court Services.

LJuCR 7.3. DETENTION FACILITIES

(a) **Facilities in Island County.** The Island County juvenile court shall designate appropriate juvenile detention facilities for use; provided, that the detention area within the Island County jail may be used for detention of juveniles prior to an initial court appearance if no adult prisoners are housed in the same detention area. Names of designated facilities

(b) **Facilities in San Juan County.** The San Juan County juvenile court shall designate appropriate juvenile detention facilities for use; provided, that the detention area within the San Juan County Sheriff's Department building may be used for detention of juveniles prior to an initial court appearance if no adult prisoners are housed in the same detention area.

LJuCR 7.5-7.14 (No Local Rules)

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

LJuCR 8.1 – 8.2 (No Local Rules)

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

LJuCR 9.1 – 9.3 (No Local Rules)

TITLE X. JUVENILE COURT RECORDS

LJuCR 10.1 – 10.9 (No Local Rules)

TITLE XI. SUPPLEMENTAL PROVISIONS

LJuCR 11.1-11.4 *(No Local Rules)*

LJuCR 11.3 COURT SCHEDULES FOR JUVENILE MATTERS

See LCR 82.1(d) and 82.2(c).

LJuCR 11.4. DUTIES OF CLERKS

(a) **Distribution of Funds.** Funds paid pursuant to court order by juvenile offenders shall be distributed by the clerk of the court in the following order of priority, unless otherwise specifically ordered by the court:

- (1) *Restitution;*
- (2) *Fines;*
- (3) *Crime Victim Compensation Fund;*
- (4) *Public Defender Funds.*

LJuCR 11.5. FINANCIAL RESPONSIBILITY

(a) **Financial Obligation.** Pursuant to the intent and standards set forth in RCW 13.16.085 and RCW 13.40.145, in any juvenile court proceeding regarding the detention, disposition or modification regarding a juvenile offender, or in any at risk youth, CHINS, truancy or dependency proceeding, the court may order the parent or parents, guardian, or other person legally obligated to support the juvenile, to pay a reasonable sum for the cost of detention and/or legal services provided by publicly funded counsel.

(b) **Assessment of Costs.** The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid in a reasonable time unless a sworn financial statement is presented to the court at said proceeding justifying reduction or elimination of any such assessment, or there are other circumstances recognized by the court for reducing or not imposing the assessment.

(c) **Notice.** It shall be the duty of the Juvenile Court Services and/or the prosecuting attorney,

to notify the parent or parents, guardian, or other person legally obligated to support the juvenile of this rule prior to said proceeding and to provide all necessary documents in order for such person to adequately prepare for said proceeding. Notice shall be provided to the parties five days in advance of any proceeding to assess costs.

(d) **Time.** Proceedings to assess costs shall not be held prior to sentencing or contempt hearing.

(e) **Payments Forwarded.** Juvenile Court Services, the public defense department, or the county clerk's office shall receive payments in a manner appropriate to local and state auditing regulations and shall forward such payments to the county treasurer.

(f) **Sanctions.** A show cause hearing with timely notice by Juvenile Court Services or the prosecuting attorney to the delinquent person or agency may be held to inquire into the delinquency of the assessment and the sanctions available under RCW 13.16.085 and RCW 13.40.145.

LJuCR 11.6 – 11.22 *(No Local Rules)*

1 **SUPERIOR COURT OF WASHINGTON**
2 **COUNTY OF ISLAND SAN JUAN**

3
4 _____

5 Plaintiff/Petitioner,

No. _____

6 vs/and

7
8 _____

ORDER APPOINTING GUARDIAN
AD LITEM (SUPPLEMENTAL)

9
10 Defendant/Respondent.

11
12
13 Supplementing the Order Appointing Guardian ad Litem, entered on _____, the
14 Guardian ad Litem appointed in this cause shall:

15 1. Investigate and make recommendations regarding:

16 Paternity

17 Establishment

Dis-establishment

18 Residential Schedule

19 Initial Parenting Plan (RCW 26.09.187, 26.09.191)

20 Modification of Parenting Plan (RCW 26.09.240)

21 Non-Parental Custody (RCW 26.10.030)

22 Non-Parental Visitation (RCW 26.09.230)

23
24 2. Investigate the following:

25 Abuse of the child

26 Performance of parenting functions

27 Child's relationship to parents

28 Child's relationship to significant others

29 School placement/Adjustment of child

30 Criminal behavior

31 Other: _____

Mental health issues, including

substance abuse

Family conflict, including

Domestic Violence

Special needs of child

Cultural factors

32 Dated: _____

33 _____
JUDGE/COURT COMMISSIONER

ORDER APPOINTING GAL (SUPPLEMENTAL)

[LCR 79 - Revised 7/2004]

Page 1 of 2

FORMS APPENDIX – A

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Attorney for Petitioner:

(Sign) _____
(Print Name) _____
WSBA#: _____
Address: _____

Phone: _____

Attorney for Respondent

(Sign) _____
(Print Name) _____
WSBA #: _____
Address: _____

Phone: _____

Petitioner:

(Sign) _____
(Print Name) _____
Address: _____

Home Phone: _____
Cell Phone: _____
Employer: _____
Work Phone: _____

Respondent:

(Sign) _____
(Print Name) _____
Address: _____

Home Phone: _____
Cell Phone: _____
Employer: _____
Work Phone: _____

(All information requested must be provided.)

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF ISLAND SAN JUAN

3
4 _____

5 Plaintiff/Petitioner,

6 vs/and

7
8 _____

9 Defendant/Respondent.

No. _____

NOTE FOR TRIAL SETTING

(Clerk's Action Required)

11 **TO:** The Clerk of the Court

12 **AND TO:** _____

13 **AND TO:** _____

14 Please take notice that the above captioned action is now at issue. The clerk is requested to
15 note this case on the regular Trial Assignment Calendar.

16 *Date requested for trial assignment:* _____

17 Nature of the case: _____

18 Issues in Dispute: _____

19 Estimated Length of Trial: _____

20 A jury of 6 of 12 has has not been demanded.

21 Mandatory mediation under Local Rule 16 does does not apply to this case.

22 The parties have completed mandatory mediation: yes no N/A

23
24 Dated: _____

25
26
27 (Sign) _____

28 (Print Name) _____

29 Attorney for _____

30 WSBA# _____

31 Address: _____

32
33
NOTE FOR TRIAL SETTING
[LCR 40 - Revised 7/2004]

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF ISLAND SAN JUAN

3
4 _____

5 Plaintiff/Petitioner,

6 vs/and

7
8 _____

9 Defendant/Respondent.

No. _____

NOTICE OF CONFLICT DATES

11
12 **TO:** The Clerk of the Court

13 **AND TO:** _____

14 **AND TO:** _____

15 Please take notice that the above captioned case has been noted for trial assignment on the
16 following date: _____

17 **The following are the undersigned's conflict dates, which are limited to previously
18 scheduled vacations and trial dates:**

19 Dates of Counsel's
20 Unavailability

Reason for
Unavailability

Reference
(Court and Cause No.)

21
22
23
24
25
26 Dated: _____

27
28 (Sign) _____

29 (Print Name) _____

30
31 Attorney for _____

32 WSBA# _____

33 Address: _____

NOTICE OF CONFLICT DATES
[LCR 40 - Revised 7/2004]

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF ISLAND SAN JUAN

3
4 _____
5
6 Plaintiff/Petitioner,
7 vs/and
8 _____
9 Defendant/Respondent.

No. _____

STATEMENT OF
READINESS FOR TRIAL

12 **TO:** The Clerk of the Court

13 **AND TO:** _____

14 **AND TO:** _____

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

- 17 1. This case is subject to mandatory mediation: yes no
18 If so, mandatory mediation has been completed: yes no N/A
19 2. This case is subject to mandatory parenting seminar: yes no
20 If so, the parenting seminar has been completed: yes no N/A
21 3. Declarant's witnesses are available for trial: yes no N/A
22 4. All discovery has been completed: yes no
23 5. All necessary pleadings have been filed: yes no
24 6. The parties are ready for trial: yes no
25 7. The estimated length of trial is _____ days.

26 Declarant hereby requests that his/her personal presence at the court scheduled Readiness
27 Hearing be waived.

28 Dated: _____

(Sign) _____

(Print Name) _____

Attorney for _____

WSBA# _____

Address: _____

1 **SUPERIOR COURT OF WASHINGTON**
2 **COUNTY OF _____**

3 In Re the Marriage of:

No. _____

4 _____,
5 Petitioner,

ORDER TO SHOW CAUSE
RE: PARENTING CLASS

6 _____,
7 Respondent.

8
9 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

10
11 By sua sponte order of the court:

12 The petitioner/respondent herein, _____, shall complete the
13 mandatory parenting class, "Helping Children Through Divorce," no later than
14 _____. Proof of completion shall be filed with the court no later than
15 _____. In the event petitioner/respondent has failed to complete this
16 course, he/she shall be subject to contempt and sanctions, including forfeiture of visitation, by
the court.

17 **IT IS FURTHER ORDERED:**

18 _____ shall appear in person before this court at the place and time below
19 and show cause why sanctions should not be entered cause for failure to comply with this
20 order.

21 Date: _____

22 Time: _____

23 Place: _____

24 Room/Department: _____

25 IF YOU FAIL TO APPEAR IN PERSON AND DEFEND AT THESE PROCEEDINGS THE COURT MAY
26 ORDER SANCTIONS, INCLUDING CONTEMPT OR FORFEITURE OF VISITATION, AND/OR ISSUE
27 A BENCH WARRANT FOR YOUR ARREST WITHOUT FURTHER NOTICE TO YOU.

28 Other:

29 In the event proof of compliance with the class is filed with the court on or before
30 _____, the hearing shall be stricken.

31 This order may be served by mail.

32 Dated: _____

Judge/Commissioner

1 **SUPERIOR COURT OF WASHINGTON**
2 **COUNTY OF _____**

3 In Re the Marriage of:

No. _____

4 _____,
5 Petitioner,

6 and

7 _____,
8 Respondent.

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

11 **REQUEST:** The petitioner requests immediate entry of Findings of Fact, Conclusions of Law
12 and Decree of Dissolution of Marriage without a final hearing, and states:

13 **RESIDENCE:** I was a resident of the state of Washington when the petition was filed.

14 **TIME LIMITS:** More than 90 days have elapsed since the later of _____, 20____,
15 the date on which the Petition was filed, and _____, 20____, the date
16 on which

- 17 † the respondent signed an acceptance of service and the respondent has
18 either
19 † signed the final documents or
20 † waived notice **and** the final documents provide for only that relief
requested in the petition.

21 **Or**

- 22 † the summons and petition were personally served upon the respondent.

23 **Or**

- 24 † the summons was first published pursuant to an order for service by
publication.

25 **Or**

- 26 † the summons and petition were mailed pursuant to an order for service by
mail.

27 **MARRIAGE & SEPARATION:** The parties were married on _____, _____, (date) at
28 _____, (city and state) and
29 separated on _____, 20____. The marriage is irretrievably broken.

30 **PREGNANCY:** The wife is not pregnant.

31 **DEPENDENT CHILDREN &** † All dependent children of the marriage are identified and
32 the Child Support Worksheets are accurate.
33

**REQUEST FOR ENTRY OF DECREE AND
DECLARATION OF JURISDICTIONAL FACTS
(For use by Attorney Only)
[LCR 8 - Revised 9/2004]**

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PARENTING

CLASS: † Both mother and father have completed the mandatory parenting classes and the certificates of completion are attached.

PROPERTY &

DEBTS: All property and all debts of the parties are fairly and completely divided in the Decree.

MEDIATION: † The parties have complied with mandatory mediation and a certification of completion by the mediator is attached.

IF DEFAULT: † If entry of the Decree is sought after default of the Respondent, the final documents provide for only that relief requested in the petition.

PERJURY

DECLARATION: † I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this date _____
at _____, Washington Signature of Petitioner

Presented by: Approved, notice of presentation waived:

Signature of Petitioner's Attorney Signature of Respondent or Respondent's Attorney

1 **SUPERIOR COURT OF WASHINGTON**
2 **COUNTY OF _____**

3
4 In Re the Marriage of
5 _____
6 _____
7 _____

Petitioner,

8 and

9
10 _____
Respondent.

No.

DOMESTIC RELATIONS
PRE-TRIAL INFORMATION
SUBMITTED BY _____

11 **NOTE: This form shall be filed and served by noon two judicial days before trial.**

12
13 **I. INFORMATION**

14 A. Ages: Wife _____ Husband _____

15 B. Date of Marriage: _____

16 C. Dependent children living with either party:

17 1. Of this marriage:

Name _____ Age _____ With Whom Residing _____

18 2. Children of former marriages:

19 Name _____ Age _____ With Whom Residing _____

20
21 **II. INCOME & EMPLOYMENT**

22 A. Husband:

23 1. Employer's name and address: _____

24 2. Net take-home pay per month: \$ _____

25 3. Other income: Source _____ Monthly Amount _____

26 B. Wife:

27 1. Employer's name and address: _____

28 2. Net take-home pay per month: \$ _____

29 3. Other income: Source _____ Monthly Amount _____

30
31 **III. ASSETS & LIABILITIES**

32 **Instructions:** Indicate your proposed division of assets and liabilities on a sheet of paper divided in the middle, vertically, by listing the property to be awarded to the wife on the left side of the page and listing the property to be awarded to the husband on the right side of the page. (See **Sample** on following page.) Such lists should begin with items of community property having the greatest value and should be described in such detail as may be reasonable in view of the total assets of the marital community.

33 Generally, assets having an individual value of more than \$500 should be listed separately. Any property subject to an encumbrance or security interest should disclose the nature of such security interest, the unpaid balance owing at the time of trial and the net fair market value of such asset after the deduction of such encumbrance.

The proposed property division should conclude with a list of liabilities to be assumed by each party, including, except as may be disclosed above, the name of the creditor, amount of the monthly payment, the unpaid balance on each such debt and the total amount of all such liabilities to be assumed by each party.

DOMESTIC RELATIONS PRE-TRIAL INFORMATION

[LCR 39 – Revised 9/98]

Deduction of the total amount of liabilities to be assumed by each party from the net total fair market value of the community property awarded to such party will constitute the net fair market values for your proposed property division. This should be followed by a list of separate property to be awarded to each spouse.

SAMPLE

III. ASSETS & LIABILITIES

PROPERTY DIVISION PROPOSED BY WIFE

Property to be Awarded to Wife:

Real Estate:
 Family Home (FMV) \$60,000
 Less: Mortgage to
 Hometown Bank (30,000)
 Net Equity: \$30,000

Motor Vehicles:
 1985 Chev. Caprice
 (FMV) \$8,500
 Less: Loan to
 Credit Union (5,000)
 Net Equity: 3,500

Household Goods:
 Living room furniture 750
 Console TV 600
 Bedroom Furniture 500
 Kitchen Appliances 300
 Misc. Dishes/utensils 200
 Total Household Goods 2,350

Cash: (from savings acct) 1,500

Clothing & Personal Effects: 1,000

Total Value Community Property
 Awarded to Wife: \$ 38,350

Less Debts Assumed by Wife:
 Sears 450
 VISA 600
 Total Debts: (1,050)

Net Value of Award to Wife: \$ 37,300

Less: Lien on Family Home (6,375)

**Total Community Property
 Awarded to Wife: \$ 30,925**

Separate Property:
 100 Shares Puget Power (from father) 2,000

Total Award to Wife: \$ 32,925

Property to be Awarded to Husband:

Pension (Present Cash Value
 at dissolution) \$20,000

Motor Vehicles:
 1983 Ford pickup (FMV) \$5,000
 Less: Loan to Second
 National Bank (2,000)
 Net Equity: 3,000

Household Goods:
 Living Room Furniture 500
 Bedroom Furniture 350
 Misc. Dishes/utensils 150
 Total Household Goods: 1,000

Cash (from checking & savings) 1,000

Power Tools 350

Clothing & Personal Effects 750

Total Value of Community Property
 Awarded to Husband: \$26,100

Less Debts Assumed by Husband:
 Bon Marche 350
 Mastercard 500
 Ace Finance Company 700
 Total Debts: (1,550)

Net Value of Award to Husband: \$24,530

Plus: Lien on family home 6,375

**Total Community Property
 Awarded to Husband: \$ 30,925**

I SWEAR UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT.

Dated: _____ Signature _____

ISLAND/SAN JUAN COUNTY SUPERIOR COURT
CONDUCT AND DRESS CODE

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

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

COURTROOM DECORUM AND PRACTICE GUIDELINES

PREFACE

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants. The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes and should never be applied to deny access.

Application

The purpose of these guidelines is to provide lawyers, judges, and parties with a reasonable standard of conduct in judicial proceedings. However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the WSBA Court Congestion and Improvement Committee periodically review these guidelines. Comments are considered by the committee and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. These guidelines shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer negligence may be determined.

COURTROOM DECORUM

I. General Courtroom Decorum

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel.
- D. Do not interrupt. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these guidelines out of the presence of the jury.

- F. After the court has ruled, ask the court's permission before arguing further.
- G. Advise clients and witnesses of the formalities of the court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to *pro se* parties.
- H. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
- I. Courtrooms equipped for videotaped reporting may require special precautions, such as remaining near a microphone.
- J. Treat everyone in the courtroom with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, age, disability, sexual orientation, or marital status.

II. General Trial Conduct

- A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a party's willingness or unwillingness to stipulate.
- B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expressions or labels such as "girl," "gal," or "boy." Address jurors individually or by name only during *voir dire*.
- C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should generally be made to the court out of the jury's hearing.
- D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the court or the jury.
- E. Avoid expressing an opinion to the jury about the testimony of a witness, a ruling of the court, or argument of counsel through exaggerated facial expressions or other contrived conduct.
- F. When practical, give the court advance notice of any legal issue that is likely to be complex, difficult, and which you expect to require argument.
- G. Do not argue the case in the opening statement.
- H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.
- I. Address your remarks to the court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.
- J. Only attorney, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the court.

III. Examination of Witnesses

- A. When examining a witness, avoid undue repetition of the witness' answer.
- B. Make objections for evidentiary reasons without delivering a speech or guiding a witness. Recapitulate testimony only as needed to put an objection in context.
- C. If a witness was on the stand at a recess or adjournment, have the witness ready to proceed when the court is resumed.
- D. Attempt to anticipate witness scheduling problems and discuss them with opposing counsel and the court. Try to schedule witnesses in advance of trial.

IV. Exhibits and Documents

- A. Premark exhibits with the clerk for identification prior to trial where appropriate. Hand all unmarked exhibits to the clerk for marking before using them in trial.
- B. If practical, have photocopies of an exhibit for the court, opposing counsel, and the witness. Avoid illegible copies if possible.
- C. Return all exhibits to the clerk at each adjournment.
- E. Whenever referring to an exhibit, mention the exhibit number.

- F. Give to the clerk all papers intended for the court.
- G. Show the proposed exhibit to opposing counsel prior to offering the exhibit in evidence.

V. Scheduling

- A. When practical, consult opposing counsel before scheduling hearings and discovery appearances in an effort to avoid scheduling conflicts. Assert a scheduling conflict only if the requested time is not available, not to obtain any unfair advantage.
- B. If opposing counsel fails promptly to accept or reject a time offered for hearing or discovery appearance, raises an unreasonable number of conflicts, or consistently fails to comply with this standard, agreement is not required.
- C. Where time associated with scheduling agreements could cause damage or harm to a client's case, then a lawyer is justified in setting a hearing or discovery appearance without first consulting with opposing counsel.
- D. Give notice of cancellation of appearances and hearings to all involved at the earliest possible time.

VI. Preferences of Individual Judges

Counsel are advised to determine the preferences of individual judges with respect to movement within the courtroom. Following are some examples of individual preferences.

- A. Stand when addressing the court and when making objections.
- B. Stand during opening statement and closing argument.
- C. Approach the bench only with permission.
- D. Maintain an appropriate distance from the witness and the jury.
- E. In the presence of the jury, address the judge as "Your Honor."

VII. Discovery

- A. Make reasonable efforts to conduct all discovery by agreement. Consider agreeing to an early voluntary exchange of information.
 - 1. Comply with all reasonable discovery requests in a timely manner.
 - 2. Stipulate to facts unless there is a genuine dispute.
- B. Conduct yourself in a professional manner and treat other lawyers, the opposing party, and all involved with courtesy and civility at all times. Clients should be counseled that civility and courtesy are required.
- C. Be punctual in fulfilling all professional commitments and in communicating with the court and other lawyers.
- D. Concentrate discovery responses on matters of substance and content, avoiding quarrels over form or style.
- E. Clearly identify for other counsel or parties all changes made in documents submitted for review.
- F. Fully respond to discovery, unless making a specific and clear objection warranted by existing law or a reasonable extension thereof. Do not produce documents in a manner designed to hide or obscure the existence of particular documents.

VIII. Depositions

- A. Advise clients regarding appropriate behavior, attire and other matters involved with depositions and other proceedings.
- B. Take depositions only when actually needed to ascertain facts or information or to perpetuate testimony.
- C. Make only good-faith objections to discovery, and avoid objections solely for the purpose of withholding or delaying the disclosure of relevant information.



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