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

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Effective September 1, 202~~1~~<sup>2</sup>

**1. INTRODUCTORY (Rules 1-2A)**

**LCR 1. SCOPE OF RULES**

Unless specifically designated otherwise, these Local Civil Rules (LCR) shall supplement the Washington Superior Court Civil Rules (CR) and the CRs and LCRs together shall govern the local procedure for all civil matters in San Juan County Superior Court and San Juan County Juvenile Court. The LCRs shall also apply to criminal proceedings where specifically provided in the San Juan County Local Criminal Rules (LCrR). These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

**LCR 2 – 2A.** *(No Local Rules)*

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

**LCR 3 – 4.2.** *(No Local Rules)*

**LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

**(a) Service – When Required.**

(1) *Emergency Orders.* A party applying for an emergency order which will require or forbid the doing of some act shall notify the opponent or his or her counsel, if known, orally and in writing as soon as possible regardless of when pleadings are prepared and provided, unless good cause to the contrary is shown. Such motions shall contain a written certification that self-represented parties or attorneys were notified of the time and place of requesting the emergency order, or the reasons why such notice was not given. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given. See also, LCR 9(m).

**(b) – (d)** *(No Local Rules)*

**(e) Filing With the Court.** All notices for the Law and Motion calendar shall be filed with the Clerk of the court no later than 4:30 p.m. seven (7) days preceding the date of the hearing. This rule does not modify the required time for service of motions and related documents under LCR 6.

**(f) – (i)** *(No Local Rules)*

**(j) Filing by Facsimile With Clerk.** See LCR 78(h).

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

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

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

(3) *Transmittal Sheet.* Any pleadings or such other papers transmitted by facsimile must be accompanied by a facsimile transmittal sheet containing, at a minimum, the following information: identification of pleading or other paper being transmitted, number of pages of pleading or paper, sender's name and sender's telephone and facsimile numbers.

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

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

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

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

(l) **Service of Papers by Email on Attorney or Party.** Service of all papers other than the summons and other process may be made by electronic mail (email) as follows:

(1) *Acceptance by Email Required.* Except as otherwise provided herein, every attorney or self-represented party shall provide an email address to which service of pleadings and other papers after original service may be made. An email address shall be provided in a notice of appearance, or upon request by the opposing party or attorney.

(2) *Exceptions.*

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

(ii) A self-represented party may ask the Court for an exception to the email service rule based on a showing of good cause. Such request shall be made by motion, properly noted for hearing and served on the opposing party or attorney.

(3) *How Served.* Documents shall be served by email by attaching each document to one or more emails, with no one email to exceed ten (10) megabytes. Each attachment shall be in Adobe Acrobat format, and each attachment shall be separately labeled with a description of the document. Each email shall contain a list of the documents attached. The sending email shall contain at a minimum a phone number to which any difficulty in receipt or transmission may be reported.

(4) *Delivery of Hard Copies.* Service by email shall be followed by delivery of hard copies the following court day by deposit in the regular mail or hand delivery, unless otherwise stipulated by the parties.

(5) *Service Confirmation/Effective Receipt.* Service is deemed complete once the sender calls the recipient's phone number and announces service, unless the recipient can prove email service was not actually received. Announcement by phone may be made in voicemail and shall indicate the number of emails sent. Service completed after 5:00 PM shall be considered completed the next court day. The parties may stipulate to an alternate confirmation method.

(6) *Stipulation to Modify Email Service Rule.* The parties may modify the email service rule contained herein by written stipulation, including to agree that email service shall not be used. A sample email stipulation is provided in **Appendix M**.

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

#### **LCR 6. TIME**

(a) – (c) *(No Local Rules)*

(d) **For Motions – Affidavits.**

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

(e) *(No Local Rules)*

### **3. PLEADINGS AND MOTIONS (Rules 7-16)**

#### **LCR 7. PLEADINGS ALLOWED; FORM OF MOTIONS.**

(a) **Pleadings** *(No Local Rules)*

(b) **Motions and Other Papers.**

(1) Motions and other papers should contain the following sections:

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

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

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

(iv) *Evidence Relied Upon.* The evidence on which the motion or reply is based shall be identified with particularity. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim, or a photocopy of relevant pages thereof must be attached to the motion. Deposition

testimony in connection with a motion shall not require publication thereof unless a challenge is made thereto and an opposing party shows good cause for such publication. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court.

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

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

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

(b) (2)-(5) *No Local Rules*

(c)-(d) *(No Local Rules)*

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

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

(g) **Schedule to Provide Courtesy Copies for Judge.** See LCR 8(h).

(h) **Motions and Orders to be Separate.** Motions and orders shall not be combined into one document. Rather, an order shall always be set forth in a separate document from the motion itself. The original of any proposed order shall be lodged with the Clerk.

(i) **Filing – Multiple Case Numbers.** Except in consolidated cases, no document shall be filed with more than one case number unless sufficient copies are simultaneously provided for each case. If all of the provisions of a document do not apply to each of the case numbers, one document may not be used and separate documents should be filed in the individual cases.

## **LCR 8. GENERAL RULES OF PLEADINGS AND MOTIONS**

(a) – (f) *(No Local Rules)*

(g) **Special Set Hearings.** If a motion or group of motions filed in one case to be heard at the same time are expected to take longer than a total of 15 minutes to be heard, the parties shall obtain a specially set hearing date and time from the Superior Court Administrator. The moving party shall arrange the hearing after conferring with opposing counsel or a self-represented party with regard to conflicts. Dispositive motions and show cause hearings in unlawful detainer proceedings require a special set hearing and shall not be noted on the Civil Law and Motion Calendar.

(h) **Courtesy Copies for Judge.** A copy of all motions, briefs, affidavits and declarations, and other documentary evidence to be considered by the court, as well as a proposed order(s), shall be provided to the judge assigned to preside over the trial or hearing at the same time as such documents or documentary evidence are filed.

(1) *Identifying the Hearing.* Parties shall indicate the date and time of the hearing on the courtesy copies either by indicating it in the upper right-hand corner of the first page of each courtesy

copy, or by including in the body of the email sending such documents to the Superior Court Administrator the date and time of the associated hearing.

(2) *Delivery.* Hard copies of courtesy copies may be mailed to the Superior Court Administrator or left for the Superior Court Administrator: (a) in the Clerk's Office; (b) in the box outside the Superior Court Administration Office; or (c) in the Clerk/Superior Court secure drop box outside of the Sheriff's Office at the Courthouse. Alternatively, courtesy copies may be submitted electronically by emailing them to the Superior Court Administrator. **All courtesy copies other than proposed orders shall be attached in Adobe PDF format and shall be sent in individual, labelled files; any submission that contains more than one pleading in a single attachment will be rejected.** Depending on the volume of materials, the Court reserves the right to require electronically submitted courtesy copies to be followed with hard copies.

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

(4) *Proposed Orders.* Courtesy copies of proposed orders shall be submitted electronically to the Superior Court Administrator **in Word version** in advance of the hearing. The date and time of the hearing shall be specified in the upper right-hand corner of the proposed order, or in the body of the email. Each proposed order shall be attached as a separate Word document and appropriately labelled with a description of the proposed order.

(i) **Default Orders, Decrees or Judgments.** If an order, decree or judgment has been entered by default, the prevailing party or the attorney representing the prevailing party shall immediately provide a conformed copy of the original order, decree or judgment, to the opponent or opponent's attorney. An affidavit or declaration showing proof of service shall be filed with the Clerk.

(j) **Proposed Orders.** Proposed orders shall have the hearing date and time indicated in the upper right corner of the document, and shall be submitted or "lodged" with the Clerk's office at the time of filing any motion noted for hearing, either in hard copy or by email/PDF. Proposed orders need not be filed unless required by separate rule or statute. If proposed orders are filed, they must be clearly marked with the notation "proposed" in the caption. The Clerk shall maintain proposed orders for up to ten (10) days after the hearing noted on the underlying motion, at which time the proposed orders will be destroyed. If hearings are stricken and/or continued, it is the responsibility of counsel or the self-represented moving party to specifically request that proposed orders be retained, or to re-submit proposed orders for the new hearing date. No proposed orders will be maintained for longer than 90 days.

## **LCR 9. SPECIAL MATTERS: MOTIONS AND PLEADINGS**

(a) – (l) *No Local Rules*

(m) **Motions to Shorten Time.** Motions to shorten time for a hearing shall be granted only upon: (1) agreement of the parties; (2) good cause shown that harm will occur if the motion is not heard until the required notice period has elapsed; or (3) other good cause determination by the Court including the efficient use of judicial resources. The party requesting an order to shorten time shall give verbal and written notice as soon as possible to opposing parties regardless of when pleadings are prepared and provided. Such motions shall contain a written certification that self-represented parties or attorneys were notified of the time and place of requesting the order to shorten time, or the reasons why such notice was not given. The court may impose terms, including an award of attorney fees, where the court later finds there was insufficient need for shortening time. See also, LCR 5(a)(1).

## LCR 10. FORM OF PLEADINGS AND OTHER PAPERS.

(a) – (c) *(No Local Rules)*

(d) **Form.**

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

(2) *One-sided Printing.* All papers filed with the Court shall comply with GR 14, including the requirement that the writing or printing shall appear on only one side of the page.

(3) *Tabs.* There shall be no tabs on filed documents. Exhibits or sections may be denoted or divided by a separator page. Any tabs included in a filed document will be discarded by the Clerk without notice to the party/counsel. Judge's courtesy copies may contain tabs for ease of reference. If tabs are included in courtesy copies, they should also be included in copies provided to opposing parties/counsel.

(4) *Typing/Color Photographs.* All court documents submitted for filing must be typed or printed legibly using black or dark blue ink. Color photographs may not be filed because they do not produce legible scanned images. Color copies of photos may be provided to the Judge in courtesy copies, but if color copies are provided, identical color copies shall be provided to opposing parties/counsel.

(5) *Conformed Copies.* Court documents served on opposing counsel or a self-represented party shall be fully conformed as to signatures, dates signed, date filed if known, and all other information as it appears on the filed original. If a party serves court documents that are otherwise fully conformed, but without the date of filing on the documents, the serving party shall notify the receiving party, as soon as practical after filing, of the date the served documents were filed.

(6) *Page Limits.* Parties are encouraged to limit their submissions to the pertinent legal issues and facts before the court for consideration and to avoid redundancy in submissions. The court imposes no standard page limits for briefs or declarations, but reserves the right to impose specific limitations in individual cases where necessary for efficient judicial administration.

(7) *Page Count.* Page one of each pleading filed with the Court shall on page one identify the total number of pages being filed including all attachments or exhibits. It is preferred that placement of such identification be centered in the lower margin as follows: **TOTAL PAGES FILED - \_\_\_\_\_.**

(8) *Clerk's Action Required.* Parties must indicate in the caption of any document requiring the County Clerk to calendar a hearing or otherwise take an action: **"Clerk's Action Required."**

(9) *Guardianship Hearing Dates.* In all reports required by RCW 11.92 et seq., the title shall contain, in addition to the name of the report, a notation to the Clerk to set the next report date, i.e., **"Clerk's Action Required: Next Hearing Date and Time: (date) at 10:30 a.m."**

(10) *Unsuitable Materials Filed as Pleadings or Documents.* The format requirements of GR 14 shall apply to motions and attachments to pleadings and other papers filed with the clerk. Any item presented to and accepted by the clerk for filing that does not comply with GR 14 and is not a scannable document, such as compact disks, digital video disks, audio tapes, thumb drives, and similar devices containing recorded information, as well as oversized documents, shall be treated as an exhibit and may be converted to an exhibit without further order of the court. In order to make such recorded information part of the permanent court record, they must be transcribed by the filing party and filed as a document

in paper format. ~~All exhibits filed with the clerk are subject to the Secretary of State's exhibit retention schedule. Filed exhibits are not retained as part of the permanent record and are eligible for destruction pursuant to RCW 36.23.070.~~ The clerk has the authority to reject filings that are not presented in proper form required by rules or practices pursuant to CR 5(e) and GR 14.

(e) – (g) *(No Local Rules)*

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

(a) – (b) *No Local Rules*

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

(d) **Form of Signature.** ~~"Signing" a document is defined by RCW 5.50.010(3). Notwithstanding any provision of GR 30 to the contrary, a fax, scan, or electronic signature shall have the same force and effect as an original or ink signature on filed documents. "Electronic signature" means as defined by RCW 1.80.010 to mean: "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." Electronic signature includes: a digital signature as described in RCW 9A.72.085(5); an electronic image of the handwritten signature of an individual; or an electronic signature made through a computer program that links the signature to an email address or otherwise confirms that the signature was made by the signor, such as DocuSign or Adobe Sign.~~

**LCR 12 – 15.** *(No Local Rules)*

## **LCR 16. PRETRIAL PROCEDURE AND FORMULATING ISSUES**

(a) – (b) *(No Local Rules)*

(c) **Pretrial Readiness.**

(1) *Time.* The Superior Court Administrator shall set pretrial readiness hearings in all civil and domestic cases approximately one month prior to the assigned trial date.

(2) *Matters Considered.* Matters to be considered at the readiness hearing may include, but are not limited to, the following: completion of mandatory mediation, completion of mandatory parenting seminar, witness availability, issues remaining for trial, technology required for trial, issues related to exhibits, whether parties intend to or object to witnesses appearing remotely, confirmation of length of trial, continuance of trial date pursuant to LCR 40(e), and scheduling of any pretrial motions.

(3) *Completion of Discovery.* Unless otherwise stipulated by the parties, or ordered by the court upon good cause shown and on such terms and conditions as are just, all discovery allowed under ~~CR 26-27~~ the Civil Rules, 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~~ comply with the Civil Rules related to discovery.

(4) *Readiness Hearing.* All cases require a readiness hearing, even if all parties are announcing ready and have no disputed issues for resolution by the Court. Counsel and parties may appear remotely for the readiness hearing through the Microsoft Teams platform consistent with the rules contained herein for remote appearance.

(d) **Settlement Conference.** Except as provided in LCR 93, any party in a civil action may schedule a pretrial settlement conference through the Superior Court Administrator. Settlement conferences will be scheduled by the Superior Court Administrator if at all possible given scheduling limitations, including judge availability.

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

(2) *Mandatory Attendance.* Attendance at the settlement conference by all parties and counsel shall be mandatory, unless the court determines that circumstances exist precluding said attendance. Any non-party wanting to be present or participate in the settlement conference must obtain written permission of the Settlement Conference Judge. Any request to attend must be submitted in writing, and a copy provided to the other party, at least 48 hours in advance of the scheduled settlement conference.

(3) *Setting.* Settlement conferences shall be set and heard no later than 21 days prior to trial, unless otherwise ordered by the court.

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

#### **4. PARTIES (Rules 17-25)**

*(No Local Rules)*

#### **5. DEPOSITIONS AND DISCOVERY (Rules 26-37)**

*(No Local Rules)*

#### **6. TRIALS (Rules 38-53.4)**

##### **LCR 38. JURY TRIAL OF RIGHT**

*(No Local Rules)*

##### **LCR 39. TRIAL BY JURY OR BY THE COURT**

(a) – (c) *(No Local Rules)*

(d) **Trial Briefs.**

(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) *Time.* By noon two (2) court days prior to the date set for commencement of trial, all required documents shall be filed with the Clerk, copies served on opposing counsel or a self-represented party, and courtesy copies provided to the assigned judge.

(e) **Parties' Exchange of Trial Materials.** Unless otherwise stipulated by the parties or ordered by the Court, the parties must exchange the following trial materials.

(1) *Exhibits. (See also LCR 43(m) regarding exhibit preparation, marking, and courtesy copies)*

a. Parties are encouraged but not required to confer regarding exhibits and to create a joint exhibit list to avoid duplication.



b. Parties shall exchange all documentary exhibits other than those intended solely for impeachment or rebuttal by 12:00noon two court days before trial. Parties may stipulate to exchange exhibits electronically. In the absence of a stipulation, the parties shall exchange hard copies of documentary exhibits.

c. Parties shall make non-documentary exhibits available for inspection by the opposing party(s) at an agreed time at least two court days before trial.

(2) Witnesses. Parties shall exchange lists of all witnesses intended to be called in their case in chief no later than 12:00noon two court days before trial.

#### **LCR 40. ASSIGNMENT OF CASES**

(a) *(No Local Rules)*

(b) **Methods.**

(1) *Note for Trial Assignment.* All notes for trial assignment on contested cases shall, in addition to counsel's or a self-represented party's estimate of time needed for trial, indicate the issues which counsel or the self-represented party believe will be in dispute, and shall contain the names and addresses of all attorneys, guardians ad litem, or self-represented parties. Counsel and self-represented parties shall certify that the issues are joined. If opposing counsel or self-represented parties dispute that the issues are joined or disagree with the statement of issues, do not believe the case is yet ready for trial, or have any other objection to the information contained in the Notice of Trial Assignment, opposing counsel or the self-represented parties shall, prior to the trial assignment date, file and serve an Objection to the Notice of Trial Assignment and note the matter for hearing on the appropriate motion calendar. This will remove the matter from the Superior Court Administrator's trial assignment docket. Counsel and self-represented parties are urged to request sufficient time for these matters. Overestimation is preferred to underestimation of time needed. The form of the Note for Trial Assignment is set forth in **Appendix C**. Time shall be computed as set forth in Civil Rule 6 and LCR 6 herein.

(2) *Conflict Dates.* Counsel shall file a Notice of Conflict Dates with the Clerk of the court and provide a copy to the Court Administrator on or before 9 a.m. of the date set for trial assignment. Conflict dates shall be limited to previously scheduled vacations and trial dates. The form of the Notice of Conflict Dates is set forth in **Appendix D**.

(3) *Trial Date Assignment.* The Superior Court Administrator will assign cases a specific trial date and notify the parties by mail and/or e-mail of such date. Counsel and self-represented parties shall not appear for the trial assignment calendar. If more than one matter is set for trial for the same day, counsel and self-represented parties shall be prepared for trial on the date set regardless of the order in which the cases are set.

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

(d) *(No Local Rules)*

(e) **Continuances.** A trial date may be stricken or continued by agreement of the parties at any time upon presentation of an order to the court. A motion to continue a trial shall be made in writing and shall be noted for consideration on or before the readiness hearing. The Court will only consider a motion for continuance noted for consideration after the readiness hearing if good cause is established that the motion could not have been brought sooner. A motion to continue a trial on the ground of the absence of evidence shall only be made upon declaration showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may also require the moving party to state upon

declaration the evidence which they expect to obtain; and if the adverse party admits that such evidence would be given, and that it be considered as actually given in the trial, or offered and overruled as improper, the trial shall not be continued. The court, upon its allowance of the motion, may impose terms or conditions upon the moving party.

(f) *(No Local Rules)*

(g) **Settlement of Cases Set for Trial.** Notice shall be given immediately to the Superior Court Administrator if any case which has been assigned a trial date is settled or will not be tried for any reason whatsoever. If this rule is violated and the court incurs unnecessary expenses, such as jury expenses, the court may, in its discretion, assess such costs to the parties.

(h) **Confirmation of Trials.** It shall be the responsibility of the parties to confirm that their trial will proceed on the scheduled trial date. Confirmation shall be made by telephone to the Superior Court Administrator's office (360) 370-7480 no earlier than seven (7) or later than two (2) court days prior to the scheduled trial date.

**LCR 41 – 42.** *(No Local Rules)*

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

(a) – (k) *(No Local Rules)*

(l) **Matters Not Reported.** Only jury trials are reported by a court reporter; in all other matters, the Court creates a recording as the official record of the proceeding. Unless requested by a party and expressly directed by the judge, the following matters may not be reported or recorded:

- (1) Opening statements and closing arguments in non-jury civil trials;
- (2) Ex parte matters on the law and motion calendar;
- (3) Verbal statements in an audio recording used at trial or in a hearing;
- (4) Video recording used at trial or in a hearing; and
- (5) Deposition transcripts read at trial in lieu of live testimony.

(m) **Trial Exhibits.**

- (1) *Numbering.* Each party shall inform the Clerk, Superior Court Administration, and each other, by **12:00 noon two court days** before trial if they reasonably expect to offer more than 50 exhibits between their case in chief and rebuttal. If no party indicates an intent to offer more than 50 exhibits, then Plaintiff(s)/Petitioner(s) shall be pre-assigned exhibit numbers 1-50 and Defendant(s)/Respondent(s) shall be pre-assigned exhibit numbers 51-100. In a case where there are additional parties, the Clerk will pre-assign additional exhibit increments.
- (2) *Submission to Clerk for Marking and With Exhibit List.* Unless a party intends to offer fewer than ten (10) exhibits in their case in chief, each party shall submit their original exhibits intended for their case in chief (not including exhibits for impeachment or rebuttal) to the Clerk by **12:00 noon one court day** before trial in the following format: in hard copy; unbound and without hole punches; with slip sheets between each exhibit indicating the intended exhibit number; and with the entire set of exhibits secured by binder clips(s). If a party submits more than 50 exhibits, the exhibits must be submitted by **12:00 noon two court days** before trial in order to allow additional time for marking. If a party intends to offer fewer than ten (10) exhibits in their case in chief, the shall submit their original exhibits as set forth above at least one (1) hour before the start of trial. Each set of exhibits shall be submitted to the Clerk with an exhibit list in hard copy and electronic Word version prepared by the submitting party, **on the Clerk's form, Appendix E.** The party

should include pre-assigned numbers as described above, as well as the description of the exhibit that party intends the Clerk to use on the master exhibit list. Please consider when preparing exhibits that the Clerk will mark them in the lower right corner with a 1" by 3" label.

- (3) *Courtesy Copies of Exhibits Required.* Each party shall submit a courtesy copy of their exhibits and exhibit list in a tabbed binder to Superior Court Administration by **12:00 noon one court day** before trial.
- (4) *Coordination and/or Stipulation by the Parties.* The parties are encouraged but not required to confer in advance about exhibits, including to reduce duplication in exhibits being marked for identification, and to create a joint exhibit list with consecutive numbering if desired. If the parties create a joint exhibit list with consecutive numbering, they need not use the pre-assigned exhibit numbers addressed in part (b) above. If the parties stipulate to the admissibility of exhibits, they shall do so in writing or on the record the first day of trial.
- (5) *Master Exhibit List.* The Clerk will circulate by email to all attorneys and self-represented parties the master exhibit list by 8:30a.m. on the morning of the first day of trial. The Clerk will circulate by email the updated exhibit list to all attorneys and self-represented parties each successive morning prior to trial resuming for the day.
- (6) ~~*Exchange of Exhibits Copies. Copies of all documents offered as exhibits, except large maps or drawings, shall be prepared and presented to opposing counsel and any self-represented parties as the exhibits are offered into evidence.*~~ Parties shall exchange all documentary exhibits other than those intended solely for impeachment or rebuttal by 12:00noon two court days before trial. Parties may stipulate to exchange exhibits electronically. In the absence of a stipulation, the parties shall exchange hard copies of documentary exhibits. Non-documentary exhibits shall be made available for inspection by the opposing party(s) at an agreed time at least two court days before trial.
- (7) *Return or Destruction of Exhibits by Stipulation and Court Order.* When judgment in a civil case shall become final after an appeal or upon judgment or dismissal, or upon filing a satisfaction of judgment, the Clerk, on stipulation of the parties, shall return all exhibits and unopened depositions or destroy them, as agreed by the respective party offering the exhibit. The court shall enter an order accordingly.
- (8) *Destruction of Exhibits When No Action Taken.* Following the expiration of 90 days after the final disposition of a civil cause, if parties have not otherwise stipulated to the return or destruction of their exhibits, all exhibits will be destroyed without further notice to the parties or order of the Court.
- (9) *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 or audio recording shall have a transcript filed in addition to the video or audio recording.
- (10) *Electronic Exhibits. Digital/electronic information (i.e., video or audio files) offered as exhibits must be submitted on a clean/empty flash drive used only for this purpose, with only one file or item per device. Both the device and the file must be clearly marked using the same identifying information as listed on the exhibit list prepared by the offering party. (This rule relates to the submission of the exhibit, not the playing of the file, which must be addressed with Court Administration.)*

(n) **Video Testimony by Witnesses.** The Court shall presumptively allow live video testimony by all witnesses in civil evidentiary hearings/trials other than jury trials. A party objecting to video testimony must make a written motion establishing good cause why live video testimony shall not be allowed and must have such motion considered prior to the hearing/trial. To testify by video, a witness must have access to a device that allows video and reliable connectivity, and must follow the Court's Remote Hearing Procedures, as updated from time to time.

**LCR 44 – 50. (No Local Rules)**

## LCR 51. INSTRUCTIONS TO JURY AND DELIBERATION

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

(b) **Submission.**

(1) *Cited Instructions for Court.* The parties shall file the original proposed jury instructions with the Clerk and shall provide one (1) copy to the trial judge and one (1) copy to the opposing party.

The proposed instructions shall be numbered and identified as to proposing party and shall contain supporting annotation and the number of the Washington Pattern Instruction (WPI) thereon.

(2) *Uncited Instructions for Jury.* The parties shall further provide the trial judge with one (1) set of such proposed jury instructions to be given to the jury, which set shall not be numbered but shall contain a space to enter a number, no citations of authority, no reference to the WPI number, and no identification as to the proposing party. The parties shall also include a title page entitled "Court's Instructions to the Jury" pursuant to WPI 1.01.01.

(c) – (j) *(No Local Rules)*

## LCR 52. DECISIONS, FINDINGS AND CONCLUSIONS

(a) – (b) *No Local Rules*

(c) **Presentation.** Following an oral or written decision of the Court, unless an emergency is shown to exist, or a party has failed to appear at the related hearing or trial, no party shall propose findings of fact or conclusions of law until the defeated party or parties have received at least 5 days' notice of the time and place of the submission, and have been served with copies of the proposed findings and conclusions. Persons who have failed to appear at a hearing or trial after notice, may, in the discretion of the trial court, be deemed to have waived their right to notice of presentation or previous review of the proposed findings and conclusions. The Court, in its discretion, may enter findings of fact and conclusions of law on its own initiative without presentation, and in such circumstance, shall promptly arrange service on the parties by email and/or mail.

(d) – (e) *No Local Rules*

(f) **Time Limit for Presentation.** Written findings of fact, conclusions of law, decrees, judgments or orders shall be presented to the judge hearing the matter within thirty (30) days of the judge's oral or written pronouncement, unless the Court instructs otherwise. Failure to comply with this rule may be grounds for a new trial or hearing and sanctions.

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

**LCR 53 – 53.1.** *(No Local Rules)*

## LCR 53.2. COURT COMMISSIONERS

(a) **Appointment of Court Commissioners.** San Juan County Superior Court has no permanent or standing appointed commissioners. Rather, San Juan County Superior Court appoints commissioners as *pro tem* commissioners on an as needed basis.

(b) - (d) *(No Local Rules)*

(e) **Revision by the Court.** Motions for revision of a Commissioner's decision made pursuant to RCW 2.24.050 must follow the provisions of LCR 59, except that the opposing party shall have an opportunity to respond, and the moving party shall have an opportunity to reply, without requiring leave of Court to do so, with the notice period required for motions pursuant to LCR 6(d).

**53.3 - 53.4.** *(No Local Rules)*

## **7. JUDGMENT (Rules 54 - 63)**

**LCR 54.** *(No Local Rules)*

### **LCR 55. DEFAULT JUDGMENT**

(a) **Entry of Default.**

(1) – (4) *(No local rules).*

(5) **Request for Attorney Fees Where Non-Moving Party Has Appeared But Has Not Filed a Responsive Pleading.**

Where the non-moving party has appeared but has not filed a responsive pleading, the party moving for default may request reimbursement of its reasonable attorney fees incurred to file and present the motion for default; provided that the moving party provides written notice to the non-moving party of the intent to request attorney fees, which includes citation to this local court rule, which notice shall be received by the non-moving party at least ten (10) days prior to filing the motion for default and request for attorney fees. The moving party shall be entitled to reimbursement of its reasonable attorney fees incurred to file and present said motion for default unless the non-moving party establishes good cause for its failure to file a responsive pleading following the ten-day notice.

(b) - (f) *(No Local Rules)*

### **LCR 56. SUMMARY JUDGMENT**

(a) – (h) *(No Local Rules)*

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

It shall be the responsibility of the moving party to confirm all summary judgment motions. Confirmation shall be made by telephone to the Superior Court Administrator's office at (360) 370-7480 no earlier than seven (7) or later than two (2) court days prior to the hearing.

**LCR 57-58.** *(No Local Rules)*

### **LCR 59. RECONSIDERATION**

(a) **Time for filing.** A motion for reconsideration must be filed within ten (10) days of entry of the written order, judgment, or other decision for which the party seeks reconsideration.

(b) **Response/Reply.** A party should not file a response to a motion for reconsideration unless the Court requests a response. If the Court requests a response, the Superior Court Administrator will write to the parties to provide deadlines for filing briefs in response and strict reply.

(c) **Page Limit.** A motion for reconsideration and any response requested should be no more than twenty (20) pages without prior court approval. A brief in strict reply should be no more than ten (10) pages.

(d) **Only One Motion.** Parties may file only one motion for reconsideration of an individual decision without obtaining leave of the Court to file additional motions, and such leave will be granted in only rare circumstances.

(e) **Oral Argument.** The Court will hear oral argument on motions for reconsideration only if the Court specifically requests it, in which case the Superior Court Administrator will request conflict dates from the parties and will specially set a hearing. Parties should not file a note for motion/hearing with their motion for reconsideration.

(f) **Courtesy Copies for Judge.** Parties must provide courtesy copies of motions for reconsideration, and any response/reply requested, at the time of filing [See LCR 8(h)].

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

**LCR 60-63.** *(No Local Rules)*

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

*(No Local Rules)*

## **9. APPEALS (Rules 72-76)**

### **LCR 72. APPEALS FROM COURTS OF LIMITED JURISDICTION**

The rules contained herein do not modify the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).

(a) **Courtesy Copies.** Parties should provide courtesy copies of all filed documents, including the Notice of Appeal, to the Superior Court Administrator.

(b) **Scheduling Order.** Upon receipt of the Notice of Appeal, the Superior Court Administrator shall send a letter acknowledging the filing of the notice of appeal. Upon certification of the record per RALJ 6.2 this Court shall issue a scheduling order.

**LCR 73-76.** *(No Local Rules)*

## **10. SUPERIOR COURTS AND CLERKS (RULES 77-80.1)**

### **LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS**

(a) – (n) *(No Local Rules)*

(o) **Visiting Judge.**

(1) When the elected judge is not sitting on a case, whether from a recusal, a notice of disqualification or otherwise, and a visiting judge has been assigned to hear the case, all hearings ~~and trial dates~~ shall be scheduled with the ~~San Juan County~~ Superior Court Administrator for the County of the assigned visiting judge, unless otherwise instructed; and any trial date(s) shall be scheduled with the San Juan County Superior Court Administrator.

~~(2) For motions to be heard on the criminal or civil law and motion calendar and for special set motions, counsel or self-represented parties shall notify the Superior Court Administrator before the motion is filed in order to determine if the visiting judge can be scheduled to either be present in San Juan County or be available for a remote hearing on the requested date. For non-dispositive motions where no live testimony is required, the visiting judge may appear remotely, unless the parties choose to appear in the visiting judge's courtroom. If parties wish to have a motion heard by the visiting judge in the visiting judge's own courtroom, they shall schedule such motions through the Superior Court Administrator, as it will most likely be at a date and time other than the regular motion calendar for San Juan County. All motions shall be scheduled through the Court Administrator for the County of the assigned visiting judge. All non-dispositive motions and non-evidentiary hearings shall occur in the County of the assigned judge, either in person or remotely, unless otherwise instructed. The Court Administrator for the County of the assigned judge will direct whether hearings shall occur on that Court's regular motion calendar(s) or via special set hearing, and whether remote appearance is possible.~~

(3) For dispositive motions or hearings where live testimony is required, unless agreed by all counsel or self-represented parties to be held in the courtroom of the assigned visiting judge, the Superior Court Administrators ~~for San Juan County and the County of the assigned visiting judge shall will attempt to~~ arrange for the ~~visiting judge to appear personally hearing to occur~~ in the San Juan County Superior Court Courtroom ~~to hear the motion. The assigned visiting judge will attend the hearing either in person or via video. In the event the judge is not able to appear personally, eCounsel or and self-represented parties should may choose to~~ appear in the San Juan County Superior Court Courtroom, or; ~~may appear~~ remotely, where allowed by these rules or by the court; ~~or appear in person personally before the judge in that judge's courtroom.~~

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

~~— (5) Remote appearances by the visiting judge shall be arranged by the Superior Court Administrator.~~

~~(65)~~ Counsel or self-represented parties are responsible to provide courtesy copies of their pleadings to the visiting judge as instructed by the Superior Court Administrator for the County of the assigned visiting judge.

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

- (i) Calendaring;
- (ii) Maintenance of the Language Assistance Program, and contracting and scheduling court interpreters;
- (iii) Bench and jury trial management;
- (iv) Maintenance of the GAL and Minor Guardianship Attorney Registries;
- (v) Maintenance of Local Court Rules and local Court forms;
- (vi) Supervision and direction of the work of the Court employees;
- (vi) Preparation and administration of the budget of the Court;
- (viii) Assistance in representing the Court regarding Court management matters; and
- (ix) Acting Drug Court Coordinator.

(q) **Office Hours.** Office hours for the Superior Court Administrator are 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, except on legal holidays. However, the Superior Court Administration Office is not available for walk-in assistance. Please call or email for assistance. Effort will be made to return calls within 24 hours; however, please assume obtaining special set hearing dates may take several days and plan accordingly. If the Superior Court Administrator cannot be reached, please contact the Clerk's Office for assistance. The Clerk's Office will not provide special set hearing dates.

(r) **Court Schedule.**

**Monday:**

9:30 am: Criminal Law and Motion

11:00 am - 12 pm: Therapeutic Court team mtg (1<sup>st</sup> 3<sup>rd</sup> and 5<sup>th</sup> Mondays)(*Not open to the public*)

1:00 pm: Ex Parte matters

1:15 pm: Therapeutic Court (1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays)

1:15 pm: Dependency Calendar (2<sup>nd</sup> and 4<sup>th</sup> Mondays)

2:30 pm: Juvenile Offender Calendar (1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays)

3:15 pm: Juvenile Civil Calendar

(1) *Criminal Law and Motion Day.* Adult criminal matters, except sentencings, shall be heard every Monday at 9:30 a.m. Sentencings for adult criminal offenders shall be specially set, depending upon schedules of the parties and as confirmed with the Superior Court Administrator per LCrR 7.2(a).

(2) *Therapeutic Court.* Therapeutic court matters shall be heard on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Monday of each month, beginning at 1:15 p.m.

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

(4) *Juvenile Offender Matters.* All juvenile offender matters other than fact finding hearings shall be heard on the 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Mondays, beginning at 2:30 p.m., or as soon thereafter as the court is available.

(5) *Juvenile Administrative Sealing.* All juvenile administrative sealing matters shall be heard on the 1<sup>st</sup> Monday beginning at 2:30 pm, or as soon thereafter as the court is available.

(65) *Juvenile Civil Matters.* All juvenile civil matters (proceedings under Chapter 13.32A and Chapter 28A.225, RCW) shall be heard on Mondays, beginning at 3:15 p.m., or as soon thereafter as the court is available.

If Monday falls on a legal holiday, then all Monday calendars will be heard on the following Tuesday.

**Tues/Wed/Thur:**

9:00 am: Trials, or special set hearings as needed

1:15 pm: Ex Parte matters

1:30 pm: Special set hearings as needed

Trials are scheduled by the Superior Court Administrator to take place on Tuesdays through Thursdays and as otherwise ordered. Parties should be prepared to address preliminary matters at 8:30 a.m. so that trials can begin at 9:00a.m., and recess for lunch from 12:00 noon to 1:30 p.m., continuing until 4:30 p.m. each day, with a minimum 15-minute recess mid-morning and again mid-afternoon. Trials scheduled for a duration exceeding 3 days will be calendared into the following week. Any specific questions about the trial schedule should be directed to the Superior Court Administrator or raised at the readiness hearing.

**Friday:**



8:30 am: Protection Order Calendar [see (1) below]  
10:30 am: Ex parte matters; Civil Law and Motion Calendar [see (2)(i) and (ii) below]  
1:30 pm: Special set hearings [see (2)(iii) below]

(1) *Protection Order Matters.* Petitions for civil protection orders based on domestic violence, sexual assault, stalking, abuse of vulnerable adults, antiharassment, and extreme risk, Domestic violence matters under Chapter 26.50, RCW; sexual assault matters under Chapter 7.90, RCW; stalking matters under Chapter 7.92, RCW; abuse of vulnerable adult matters under Chapter 74.34, RCW; extreme risk matters under Chapter 7.94; and those antiharassment matters transferred to Superior Court pursuant to RCW 10.14.150, shall be heard on Friday of each week, beginning at 8:30 a.m., or as otherwise ordered by the Court or specially set with the Superior Court Administrator. These hearings may occur remotely or in person unless otherwise ordered by the Court. These matters are open to the public and the Courtroom shall be open and available for all hearings. However, remote access to these hearings is limited to those involved in the case. Livestream of these hearings is not available. Remote hearing information for these hearings will not be posted on the Court's website; rather, remote hearing information will be provided directly to the parties and their counsel/advocates.

(2) *Civil Law and Motion Day.* Friday of each week shall be civil law and motion day. Scheduling on law and motion day will be as follows:

- (i) 10:30 a.m. Open civil hearings;
- (ii) 10:30 a.m. Closed civil hearings, which shall follow the Open civil hearings;
- (iii) 1:30 p.m. Motions for summary judgment, show cause hearings in unlawful detainer matters, and all other special set matters [per LCR 8(g)], ***all of which must be scheduled in advance through the Superior Court Administrator's office – no matter may be unilaterally set on this calendar.***

If Friday falls on a legal holiday, all Friday calendars will be heard on the preceding Thursday, except during the week of the Thanksgiving holiday, when they shall be heard on the preceding Wednesday.

***Ex Parte Matters Presented by Parties/Counsel.*** Ex Parte matters may be presented to the judge in chambers Tuesday through Thursday at 1:15p.m. and Mondays at 1:00p.m., and in the Courtroom prior to the Civil Law and Motion Calendars on Fridays at 10:30 a.m. at the beginning of the regularly scheduled Civil Law and Motion Calendar. For ex parte presentation Monday through Thursday, parties shall inform the Court Administrator of the intent to present documents ex parte by phone or email at least an hour in advance. If parties have an emergency matter that cannot be considered at one of the regularly scheduled ex parte calendars, counsel or a self-represented party shall call the Superior Court Administrator's office or the Clerk's office to schedule emergency ex parte presentation to the Court at an alternative time based on the Court's schedule. Parties wishing to present an ex parte matter on the record shall give notice at least 30 minutes in advance to the County Clerk and the Superior Court Administrator.

(s) **Remote Appearance.**

(1) *When Permitted.* Parties and attorneys may appear remotely by telephone or video through the Court's Microsoft Teams platform for any proceeding other than a civil jury trial, for any non-evidentiary hearing unless otherwise ordered by the Court. A party objecting to a remote appearance/testimony must make a written motion establishing good cause why remote appearance/testimony shall not be allowed and must have such motion considered prior to the hearing/trial. For evidentiary hearings, including but not limited to hearings for a Domestic Violence Protection Order pursuant to RCW Ch. 26.50 and for dependency shelter care and dependency fact finding pursuant to RCW Ch. 13.34, parties must obtain court permission to appear by telephone or video.

(2) Remote Hearing Connecting to Remote Court Sessions. Superior Court Administration will schedule Microsoft Teams sessions for all hearings/trials and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for ~~domestic violence~~ civil protection orders, for which Microsoft Teams hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties, advocates and counsel). The Courtroom will join the Microsoft Teams session for all hearings unless otherwise ordered by the Court in an individual case. The Microsoft Teams platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) Remote Hearing Appearance Procedures. Any person appearing ~~in Court for a hearing~~ remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with a background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your case is called, and during the hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons present with the same respect and decorum as you would if you were physically present in the Courtroom.

(4) Remote Bench Trials. Any party or attorney appearing for a bench trial remotely shall follow the Court's Remote Bench Trial Procedures posted on the San Juan County Superior Court website, which may be amended from time to time.

(5) Prohibition on Recording. The public is prohibited from recording or broadcasting any remote proceeding. An official recording of an open proceeding may be obtained from the Clerk's Office subject to the Clerk's fee schedule. Members of the media must ask to record the audio or video of a remote proceeding, but such recording is presumptively allowed, consistent with GR 16 related to media recording of an in-person proceeding.

## LCR 78. CLERKS

(a) – (f) *(No Local Rules)*

(g) **Self-Addressed, Stamped Envelope**. If an attorney or any other person requests from the Clerk the mailing of an answer to correspondence or conformed copies of any pleadings or other documents, the attorney or person requesting the same shall furnish a self-addressed, stamped envelope and a copy of the document to be conformed and mailed, for the convenience of the Clerk.

(h) **Facsimile Filing of Pleadings With Clerk**. Documents, including pleadings, may be filed with the Clerk by facsimile transmission, in accordance with GR 17, with a required fee. Submissions longer than 25 pages, including the cover page, require prior permission by the Clerk.

(i) **Ex Parte Presentation by the Clerk**. Any document or agreed order sent to the Clerk for ex parte presentation by the Clerk is subject to a \$30 fee. However, no ex parte fee shall be charged when the matter has been assigned to a visiting judge.

(j) **Clerk Correction of Clerical Errors**. The Clerk is authorized to correct cause numbers and page counts, but shall not be required to do so. If the Clerk elects to correct such clerical errors, the correction shall be dated and initialed by the Clerk and shall not be deemed a modification of the document or order.

LCR 79 – 80.1 *(No Local Rules)*

## 11. GENERAL PROVISIONS (Rules 81-87)

**LCR 81-86** (*No Local Rules*)

**LCR 87. PROFESSIONAL CONDUCT.**

- (a) **Conduct and Dress Code.** All persons entering the courtroom shall comply with the Conduct and Dress Code posted outside the courtrooms. A copy of the Conduct and Dress Code is set forth in **Appendix J**.
- (b) **Professional Conduct.** All attorneys and self-represented parties shall adhere to the "Court Decorum and Practice Guidelines," a copy of which is set forth in **Appendix K**.
- (c) **Time Standards.** All attorneys and self-represented parties shall make a good faith effort to meet the Advisory Case Processing Time Standards set forth in the Washington Court Rules.
- (d) **Remote Hearing Procedures.** All attorneys and self-represented parties shall follow instructions for remote hearing procedures posted on the San Juan County Superior Court website, which may be amended from time to time.

**12. INVOLUNTARY COMMITMENT (Rule 88)**

**LCR 88. INVOLUNTARY COMMITMENT HEARING.**

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

**13. FAMILY LAW CASES (Rules 89-94)**

**LCR 89. APPLICATION AND SCOPE.**

- (a) **Application of Rule.** LCRs 89-94 shall apply to all of the following types of cases:
  - (1) Family law petitions seeking divorce/dissolution of marriage, legal separation, or declaration of invalidity;
  - (2) Actions brought by parties to non-marital relationships involving parenting and/or child support of children, or distribution of assets/liabilities;
  - (3) Petitions for minor guardianship;
  - (4) Petitions for relative visitation; and
  - (5) Petitions or motions for modification of any final documents in matters set forth above.
- (b) **Scope of Rules.** LCRs 89-94 supplement the Washington Superior Court Civil Rules (CR) and the other San Juan County Local Civil Rules (LCR). Parties must follow all applicable rules.

**LCR 90. FILINGS IN FAMILY LAW CASES**

(a) **Court's Automatic Temporary Order.** Upon the filing of a Summons and Petition in any of the actions specified above, the court shall automatically issue a Temporary Order using the form set forth in **Appendix A**. The Petitioner is subject to this order from the time of filing the Petition. The Petitioner shall serve a copy of this order on the Respondent and file a declaration of service in the court file. The Respondent is subject to this order from the time that the order is served.

(b) **Motions in Dissolution Actions.**

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

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

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

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

(4) *Evidence on Motions.* Hearings with respect to all temporary orders shall be held and determined only upon the pleadings, affidavits or declarations, and other papers filed, unless the court directs otherwise. Parties are encouraged to limit declarations in support of and in opposition to motions to specific factual issues that are critical to the Court's determination and to omit or severely limit declarations that provide only general statements as to the parties' character or parenting. The Court reserves the right to limit submissions by page number where filings do not adhere to these principles.

(c) **Filing of Parties' Financial Declarations and Verified Statement of Assets and Liabilities.**

At least sixty (60) days prior to trial, each party shall serve on the opposing party:

(1) A Financial Declaration, using (FL All Family 131), in all cases involving a request for child support, maintenance or attorney's fees. The Declaration shall also be filed with the court;

(2) A Verified Statement of Assets and Liabilities, including both marital and separate assets and liabilities of any kind, in the form set forth in **Appendix B**, in any case involving the division of assets and/or debts. The Verified Statement of Assets and Liabilities shall not be filed with the court; and

(3) Each party shall then file with the court a Declaration of Mailing, attesting that the Financial Declaration and Verified Statement of Assets and Liabilities has been provided to the other party. All parties have a duty to supplement the financial information when additional information becomes available.

(d) **Self-Represented Parties – Review of Parenting Plans and Child Support Orders.** In any action, including modification proceedings, in which the residential care or child support of a minor child or

children is at issue and in which none of the parties are represented by counsel, any proposed parenting plan or residential schedule and any proposed child support documents, including the child support schedule worksheet, shall first be reviewed, approved as to form and initialed by the courthouse facilitator or by an attorney acting as a third-party neutral in accordance with RPC 2.4. Provided, however, this requirement shall not apply to a proposed temporary parenting plan or residential schedule in cases where there has been a recent and substantial change in circumstances that has resulted in a serious and imminent threat to the health, safety or welfare of the child(ren).

(e) **Judicial Information System Background Checks.** Prior to presenting a permanent parenting plan or residential schedule to the court for approval, the party or parties shall comply with RCW 26.09.182 by submitting a completed Judicial Information System (JIS) Background Check form to the San Juan County Clerk. Such request shall include the names and dates of birth of all persons residing in each residence and must be submitted no fewer than 5 days prior to the date of presentation of the final parenting plan. Upon receipt of a completed JIS Background Check form, the Clerk shall complete a search of the Judicial Information System for the existence of any information and proceedings relevant to the placement of the child. This search shall be performed no more than 10 days prior to the proposed date of presentation of the permanent parenting plan. The results of such search shall be available to the judicial officer presiding over the entry of the permanent parenting plan at least 2 court days prior to the proposed presentation date. Per Chapter 2.28 RCW (as amended by SHB 1617, Laws of 2015), if the Court relies upon information in the results of the search in rendering a decision, a copy of the results and the JIS Background Check form must be filed as a confidential document, within the court file, with any confidential contact information such as addresses, phone numbers, or other information that might disclose the location or whereabouts of any person redacted from the document or documents. In the event the Court does not rely upon information in the results of the search, the JIS Background Check form and the results of the search shall be destroyed. JIS Background Check form is attached as **Appendix I**.

(f) **Trial Briefs and Required Documents.** *(See also LCR 39 and 43 regarding Exhibits and Witnesses)*

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

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

(i) A written pretrial information form indicating a proposed division of assets and liabilities, using the form set forth in **Appendix H**.

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

(3) *Time.* By noon two (2) court days prior to the date set for commencement of trial, all required documents shall be filed with the Clerk, copies served on opposing counsel or a self-represented party, and courtesy copies provided to the assigned judge.

## **LCR 91. FINALIZATION OF DIVORCE/DISSOLUTION/SEPARATION BY AGREEMENT**

(a) **Jurisdictional Testimony.** When final documents are entered under RCW 26.09 by joinder, agreement, or default, the parties are required to present jurisdictional testimony. The parties may note entry of final documents by joinder, agreement, or default, including the required jurisdictional testimony, on the regular Civil Law and Motion Calendar. Only one party is required to appear in order to provide the required jurisdictional testimony.

(b) **Jurisdictional Declaration in Lieu of Testimony.** If a decree is entered under RCW 26.09 by joinder, agreement, or default, the parties may elect to present jurisdictional testimony pursuant to a

"Request for Entry of Decree and Declaration of Jurisdictional Facts," using the form set forth in **Appendix G**, in lieu of a party's testimony by appearance in court. Neither party need be represented by counsel in order to submit a Request for Entry of Decree and Declaration of Jurisdictional Facts to support entry of final documents. If the Request for Entry of Decree and Declaration of Jurisdictional Facts form is used, the parties may present the final documents for entry ex parte rather than appearing in Court.

## **LCR 92. PARENTING SEMINARS**

(a) **Applicable Cases.** This rule shall apply to all cases under Chapters 26.09, 26.26, and 11.130 (minor guardianships) RCW which require a parenting plan or residential schedule for minor children, including major modifications and paternity actions in which paternity has been established.

(b) **Mandatory Attendance.** Except as provided in Section (f) below, within ninety (90) days of filing an appearance, answer or other responsive pleading in this action, all parties shall attend a court-approved parent education seminar on the effects of family transitions on children, unless the parties have previously attended such a course.

(c) **Certificate of Completion.** Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider. Additionally, a copy of the certificate of completion shall be provided to the judge at presentation of final documents.

(d) **Fees.** Each party attending a seminar shall pay a fee charged by the approved provider and authorized by the court.

(e) **Seminar Providers.** The court shall establish standards for parenting seminars and shall approve seminar providers. A list of approved parenting seminars shall be available from the Superior Court Administrator, Court Facilitator, and County Clerk. If a parenting seminar is not included on the list, then the court, upon proper motion, may allow other seminars to fulfill this requirement on a case-by-case basis.

(f) **Waiver/Special Consideration.**

Pursuant to RCW 26.12.172:

(1) In no case shall opposing parties be required to attend a parenting seminar together; and

(2) Upon a showing of domestic violence or abuse which would not require mutual decision-making, pursuant to RCW 26.09.191, or if the court determines that attendance at a seminar is not in the children's best interest, the court shall either waive the requirement of completion of the seminar or allow participation in an alternative parenting seminar if available; and

(3) The Court may otherwise waive the requirement upon a showing of good cause.

(g) **Exchange of Parenting Plans.** At least sixty (60) days prior to trial, each party shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

(h) **Failure to Comply.** Willful refusal to participate in a parenting seminar or willful delay in completing the parenting seminar may result in a finding of contempt and imposition of sanctions. The Court may decline to enter finalization documents until both parents have completed the seminar. [See Order to Show Cause Re: Parenting Class in **Appendix F**.]

## **LCR 93. MANDATORY MEDIATION**

(a) **Mediation in Contested Cases.** Except as provided in Section (b) below, in all cases described in LCR 89(a) having unresolved issues, all parties shall in good faith engage in mediation with a court-approved mediator in an effort to resolve the case. In cases where parenting issues exist, the mediation shall not occur until both parties have completed the parenting seminar required in LCR 92. Mediation shall be completed at least sixty (60) days prior to the scheduled trial date.

(b) **When Mediation is Not Required.** Mediation shall not be required as provided in Section (a) in the following cases:

(1) For good cause shown upon motion and approval by the court; or

(2) Where a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties has been entered by a court at any time within the previous twelve (12) months;

(3) Where a domestic violence no contact order exists pursuant to RCW 10.99;

(4) Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation. Notwithstanding the foregoing, either party may by motion seek a court order requiring mandatory mediation in a case where it would not be required as set forth in (b)(2), (b)(3) or (b)(4) above if the moving party believes that the parties would be able to mediate their dispute at arm's-length under the particular circumstances of the case.

(c) **Settlement Conference.** If, after mediation in good faith or where mediation is not required, there remain unresolved issues, the parties may participate in a settlement conference, pursuant to LCR 16(d).

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

(e) **Cost of Mediation.** Mediators shall be paid by the parties in accordance with the agreement of the parties, or in the absence of agreement, as determined by the Court.

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

(g) **Failure to Comply.** Willful refusal to participate in mediation or willful delay in completing mediation may result in a finding of contempt and imposition of sanctions.

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

(i) **Selection of Mediator; Right of Mediator to Decline.** The parties may either agree to a mediator or the Court shall appoint a mediator upon the motion of either party. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator or move the court to do so.

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

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

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

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

#### **LCR 94. GUARDIANS AD LITEM**

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

(a) **Appointments of Guardian ad Litem.** All guardians ad litem shall be appointed as set forth in the policies and procedures for guardians ad litem, approved by the judges and maintained by the Superior Court Administrator's Office.

(b) **Grievance Procedures.**

(1) *Submission of Complaints.* All complaints made by or against guardians ad litem shall be in writing and shall be submitted to the 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 Superior Court Administrator shall refer the complaint to the judge for review.

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

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

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

(C) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person against whom the complaint is brought within ten (10) business days, detailing the specific issues in the complaint to which the judge desires a response. The judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the judge shall consider whether the complaint alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report to the court or in testimony before the court, (v) failed, when required, to report abuse of a child, (vi) communicated with a judicial officer ex parte concerning a case for which he or she is serving as guardian ad litem, (vii) violated state or local laws or court rules, or



(viii) taken or failed to take any other action which would reasonably place the suitability of the person to serve as a guardian ad litem in question.

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

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

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

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

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

(9) *Removal from Registry.* When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the Superior Court Administrator shall send a notice of such removal to the Administrative Office of the Courts. When the Superior 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 Superior Court Administrator shall advise the judge of such removal.

## **14. TRUST AND ESTATES (Rule 95)**

### **LCR 95. TRUST AND ESTATE DISPUTE RESOLUTION ACT (TEDRA)**

(a) **Applicability.** This rule shall apply to all judicial proceedings under RCW 11.96A.090.

(b) **Hearings.** The Clerk will not unilaterally note any TEDRA hearings. Parties shall note all hearings consistent with LCR 6 and CR 56 and at least 20 days after filing and service of the TEDRA petition. If a hearing is reasonably anticipated to take fifteen minutes or less, it may be noted on the Civil Law and Motion Calendar. If a hearing is reasonably anticipated to take longer than fifteen minutes, it shall be specially set pursuant to LCR 8(g). The parties must clearly indicate in their petition and/or answer if they do not intend for the initial hearing to be a hearing on the merits to resolve all issues of fact and law. If an initial hearing is not intended to resolve all issues of fact and law, the issues to be addressed at said hearing

shall be identified clearly in the briefing. Trials shall be scheduled through filing a note for trial assignment pursuant to LCR 40.

## **15. ADULT GUARDIANSHIP/CONSERVATORSHIP (Rule 96)**

### **LCR 96. CONVERTING GUARDIANSHIPS FROM RCW CH. 11.88 to RCW CH. 11.130**

**(a) Applicability.** This rule shall apply to all adult guardianships created under RCW Ch. 11.88 that were in existence as of January 1, 2022, unless the Court specifically finds under RCW 11.130.910 that applying RCW Ch. 11.130 would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party. The requirements contained in this rule only apply for the **first** periodic reporting after January 1, 2022. Thereafter, the Guardian/Conservator shall follow the applicable statute(s) and Court orders.

**(b) Conversion.** Due to a significant change in the law, guardianships that originated under RCW Ch. 11.88 now must comply with the new Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, RCW Ch. 11.130. The Court will consider converting your guardianship at the first periodic review hearing after January 1, 2022 on the Court's own motion in an order in substantially the form of **Appendix NM**.

**(c) Documents to File for Review.** The following documents must be filed and served on all persons entitled to notice for your first periodic review following January 1, 2022:

- (1) Guardian/Conservator's Report on WA Pattern Form GDN R 204
- (2) Motion for Approval of Guardian's/Conservator's Report on WA Pattern Form GDN R 205
- (3) Proposed Order Approving Guardian/Conservator's Report on WA Pattern Form GDN R 206
- (4) Notice of Substantial Change in Circumstances – *ONLY IF APPLICABLE* - on WA Pattern Form GDN R 207
- (5) Declaration (written statement made under penalty of perjury and dated and signed with the place of signing by you) attesting to whether the person subject to the guardianship's needs can be met with protective arrangements other than guardianship or conservatorship under RCW 11.130.585 and .590 or any other less restrictive alternative to guardianship or conservatorship, including use of appropriate supportive services, technological assistance, or supported decision making. *There is no pattern form for this document.*
- (6) Acceptance of Appointment on WA Pattern Form GDN ALL 003

**(d) Within 30 Days of New Letters of Office Being Issued.** Within 30 days of the new letters of office issuing, the Guardian/Conservator shall serve the person subject to the guardianship/conservatorship and all other persons entitled to notice the Notification of Rights provided on Washington pattern form GDN C 105 or as otherwise provided by RCW 11.130.315, .425, & .655.

**(d) Within 90 Days of New Letters of Office Being Issued.** Within 90 days of the new letters of office issuing you must file and serve on all persons entitled to notice:

- (1) Guardian/Conservator's Plan on WA Pattern Form GDN R 202
- (2) Proposed Order Approving Guardian/Conservator's Plan on WA Pattern Form GDN R 206
- (3) Proof of completion (called the "Declaration of Completion") of the Training for Lay (non-professional) Guardians for Adults and Conservators for Adults or Minors, available online through the Washington Courts website.

## **16. UNLAWFUL DETAINER (Rule 97)**

**LCR 97. WHO IS ENTITLED TO BRING OR MAINTAIN THE ACTION.** An owner, lessor, or duly appointed attorney in fact (through a power of attorney) may bring an action for unlawful detainer.

Property managers or agents who are not appointed through a power of attorney may not appear in a representative capacity on behalf of an owner/lessor.

**LCR 98. ALL COMPLAINTS FOR UNLAWFUL DETAINER MUST INCLUDE.** Complaints for unlawful detainer, regardless of which statute the action is brought under unless specifically noted, must include the following:

(a) **Rental Agreement.** A true and correct copy of the rental agreement or lease upon which the tenancy is based, if one exists, must be attached to the Complaint.

(b) **Power of Attorney.** The Power of Attorney appointing an Attorney in Fact with authority over the real property at issue must be attached to the Complaint.

(c) **Just Cause Exception.** If the action is brought under the Residential Landlord Tenant Act, RCW Ch. 59.18, and is based upon any reason other than exclusively nonpayment of rent, the plaintiff must specifically plead the basis under RCW 59.18.650 that permits ending the residential tenancy.

(d) **Subsidy.** If the real property or housing unit at issue is subsidized by the federal government, state government, or a tribe, the Complaint must include the name of the program and the nature of the applicable subsidy.

(e) **Notices.** Copies of all notices required under RCW Ch. 59.12 and any notice required under a standing order of this Court, as well as proof of service, mailing, or posting, must be attached to the Complaint.

**LCR 99. OBTAINING A WRIT OF RESTITUTION UNDER THE RESIDENTIAL LANDLORD TENANT ACT.** A plaintiff in an action brought under the Residential Landlord Tenant Act, RCW Ch. 59.18, seeking a writ of restitution must either schedule the matter for trial or obtain an order to show cause. The order to show cause must notify the defendant that failure to attend may result in a default judgment and writ of restitution. The Court will not issue an order of default or a writ of restitution in an action under the Residential Landlord Tenant Act until the trial or show cause hearing has occurred.

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**PART II**  
**LOCAL CRIMINAL RULES (LCrR)**  
**SAN JUAN COUNTY**

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Effective September 1, 2021

**1. SCOPE, PURPOSE AND CONSTRUCTION**  
**(Rules 1.1-1.5)**

**LCrR 1.1. SCOPE OF RULES**

Unless specifically designated otherwise, these San Juan County Local Criminal Rules (LCrR) shall supplement the Washington Superior Court Criminal Rules (CrR) and the CrRs and LCrRs together shall govern the local procedure for adult criminal matters in San Juan County Superior Court. These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

LCrR 1.2-1.5 *(No Local Rules)*

**2. PROCEDURES PRIOR TO**  
**ARREST AND OTHER SPECIAL PROCEEDINGS (Rules 2.1-2.3)**

LCrR 2.1-2.3 *(No Local Rules)*

**3. RIGHTS OF DEFENDANTS (Rules 3.1-3.6)**

LCrR 3.1-3.6 *(No Local Rules)*

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

LCrR 4.1 *(No Local Rules)*

**LCrR 4.2. PLEAS**

(a) – (g) *(No Local Rules)*

(h) **Scheduling Change of Plea.** Anticipated changes of plea may be scheduled on the Criminal Motion Calendar; however, the Court will call all changes of plea at the end of the calendar. If the parties intend to proceed to sentencing at the same time as a change of plea, the matter should be specially set through the Superior Court Administrator unless the Court determines that there is sufficient time on a specific Criminal Motion Calendar.

LCrR 4.3-4.10 *(No Local Rules)*

**LCrR 4.11. REMOTE PRETRIAL APPEARANCE**

(1) *When Permitted.* Preliminary appearances, bail hearings, and trial settings, which are permitted to be conducted by video pursuant to CrR 3.4, may be conducted by video on the Court's Microsoft Teams

platform so long as: (a) the defendant, counsel, and the Judge may all see and hear each other at all times; (b) the hearing may be viewed on screen in the Superior Court Courtroom; and (c) the defendant and defense counsel have a means to communicate confidentially or defendant waives the right to communicate confidentially in an individual hearing. The parties and counsel may appear by telephone or video via the Court's Microsoft Teams platform for any other pretrial hearing at which the Court has authorized remote attendance. Pursuant to CrR 3.4(b), a defendant's remote appearance at arraignment is at the discretion of the Court. If a defendant requests remote appearance at arraignment, that request should be made at the first reasonable opportunity, including at the arraignment hearing noted by the State, and the Court will exercise its discretion to determine whether remote appearance is acceptable, rescheduling the hearing if necessary to facilitate an appearance in person. Remote appearance for entry of a guilty plea requires agreement by the parties in addition to the approval of the Court.

(2) *Remote Hearing Sessions.* Superior Court Administration will schedule Microsoft Teams sessions for all hearings and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for domestic violence protection orders, for which Microsoft Teams hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties and counsel). The Courtroom will join the Microsoft Teams session for all hearings unless otherwise ordered by the Court in an individual case. The Microsoft Teams platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) *Remote Hearing Procedures.* Any person appearing for a hearing remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your case is called, and during their hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons present with the same respect and decorum as you would if you were physically present in the Courtroom.

## **5. VENUE (Rules 5.1 – 5.2)**

LCrR 5.1-5.2 (*No Local Rules*)

## **6. PROCEDURES AT TRIAL (Rules 6.1-6.16)**

### **LCrR 6.1. TRIAL BY JURY OR BY THE COURT**

(a) – (d) *No Local Rules*

(e) **Trial Brief or Memorandum.** In criminal trials with contested legal or evidentiary issues, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting same and provide the same to the Clerk, opposing counsel or a self-represented party, and the judge by noon two (2) days prior to the date set for commencement of trial. The parties shall endeavor to foresee likely evidentiary issues based on information available to the parties in order to brief such issues, and shall schedule pretrial motions regarding the same if possible.

(f) **Trial Exhibits.**

(1) *Numbering.* The State as plaintiff shall be pre-assigned exhibit numbers 1-100 and the defendant shall be pre-assigned numbers 101-200 unless otherwise stipulated by the parties or ordered by the Court.

- (2) *Submission to Clerk for Marking and With Exhibit List.* Unless a party intends to offer fewer than ten (10) documentary exhibits in their case in chief, counsel for each party should present their original documentary exhibits for their case in chief (not including exhibits that may be offered for impeachment or in rebuttal) to the Clerk by **12:00 noon one court day** before trial for marking in the following format: in hard copy; unbound and without hole punches; with slip sheets between each exhibit indicating the intended exhibit number. Each set of exhibits should be submitted to the Clerk with an exhibit list in hard copy and electronic Word version prepared by the submitting party, **on the Clerk's form**, as available on the Clerk's webpage, or on request, as provided in **Appendix E**. The party should include pre-assigned numbers as described above, as well as the description of the exhibit that party intends the Clerk to use on the master exhibit list. Please consider when preparing exhibits that the Clerk will mark them in the lower right corner with a 1" by 3" label.
- (3) *Courtesy Copies of Exhibits Required.* Counsel for each party shall provide a courtesy copy of each documentary exhibit to the Judge at or before the time an exhibit is offered for admission.
- (4) *Coordination and/or Stipulation by the Parties.* The Court encourages counsel to raise potential issues regarding management of trial exhibits at the pretrial conference or by motion as deemed appropriate by the parties. The parties may confer in advance about exhibits, including to reduce duplication in exhibits being marked for identification, and to create a joint exhibit list with consecutive numbering if desired. If the parties create a joint exhibit list with consecutive numbering, they need not use the pre-assigned exhibit numbers. If the parties stipulate to the admissibility of exhibits, they shall do so in writing or on the record the first day of trial.
- (5) *Master Exhibit List.* The Clerk will circulate by email to counsel the master exhibit list by 8:30a.m. on the morning of the first day of trial. The Clerk will circulate by email the updated exhibit list each successive morning prior to trial resuming for the day.
- (6) *Electronic Exhibits. Digital/electronic information (i.e., video or audio files) offered as exhibits must be submitted on a clean/empty flash drive used only for this purpose, with only one file or item per device. Both the device and the file must be clearly marked using the same identifying information as listed on the exhibit list prepared by the offering party. (This rule relates to the submission of the exhibit, not the playing of the file, which must be addressed with Court Administration.)*

LCrR 6.2-6.16 (*No Local Rules*)

## **7. PROCEDURES FOLLOWING CONVICTION (Rules 7.1-7.8)**

LCrR 7.1 (*No Local Rules*)

### **LCR 7.2. SENTENCING**

(a) – (d) (*No Local Rules*)

(e) **Sentencing Hearings.** For all criminal sentencing hearings, the parties shall obtain a special set hearing date and time depending upon schedules of the parties and as confirmed with the Superior Court Administrator, or as otherwise ordered by the Court in a scheduling order.

(f) **Sentencing Memoranda.** Parties are encouraged to provide sentencing memoranda before a sentencing hearing where unique issues of fact or law are raised, including where there is a request for a sentencing alternative or an exceptional sentence or there is a dispute regarding the defendant's criminal history or offender score calculation.

LCrR 7.3-7.8 (*No Local Rules*)

## 8. MISCELLANEOUS (Rules 8.1-8.10)

### LCrR 8.1. TIME

Time shall be computed and enlarged in accordance with CR 6, except that with regard to time for motions, see LCrR 8.2(b) below.

### LCrR 8.2. MOTIONS

Rules 3.5 and 3.6 and CR 7(b) and LCR 7 shall govern motions in criminal cases. A motion for reconsideration shall be governed by CR 59(b), (e), and (j) and LCR 59.

(a) **Motion Calendar.** The Criminal Motions Calendar occurs at 9:30 a.m. on Mondays.

(b) **Motions.** Unless made orally at a hearing, motions and supporting materials shall be filed and served with the requisite time as set forth below.

(1) *Motions to be Heard on the Criminal Motion Calendar.* Motions brought pursuant to CrR 3.1 and 3.2, motions for competency evaluation, and other procedural pretrial motions, may be scheduled on the Criminal Motions Calendar, and unless made orally at a hearing, must be filed and served at least 5 court days before the hearing, with responsive materials filed and served at least two court days before the hearing and any materials filed in strict reply filed at least 1 court day before the hearing, unless otherwise ordered by the Court.

(2) *Substantive Pretrial Motions.* Substantive pretrial motions such as motions in limine and motions brought pursuant to CrR 3.5 and 3.6 must be specially set prior to the first day of trial either through the Superior Court Administrator or pursuant to the omnibus order. Such motions must be filed and served at least 9 court days prior to the hearing, with responsive materials filed and served at least 4 court days in advance, and materials in strict reply filed at least 2 court days in advance, unless otherwise ordered by the Court.

(c) **Drug/Alcohol and/or Mental Evaluations.** Unless otherwise approved by the court, any evaluation required or presented to the court for consideration must meet the standards set forth in **Appendix L.**

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

**LCrR 8.3.** *(No Local Rules)*

### LCrR 8.4 SERVICE, FILING, AND SIGNING OF PAPERS

(a) **Filing – Multiple Case Numbers.** Except in consolidated cases, no document shall be filed with more than one case number unless sufficient copies are simultaneously provided for each case. If all of the provisions of a document do not apply to each of the case numbers, one document may not be used and separate documents should be filed in the individual cases.

**LCrR 8.5-8.10.** *(No Local Rules)*

### LCrR 8.11. 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; and issue search warrants.



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

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Effective September 1, 2021

**TITLE I. SCOPE AND APPLICATION OF RULES (Rules 1.1-1.7)**

**LJuCR 1.1. SCOPE OF RULES**

Unless specifically designated otherwise, these San Juan County Local Juvenile Court Rules (LJuCR) shall supplement the Washington Juvenile Court Rules (JuCR) and the LJuCR and JuCR, together with applicable criminal and civil rules as set forth below, shall govern the local procedure for juvenile matters in San Juan County Superior Court. These rules are subject to amendment at the direction of the Judge. The current local rules are posted on the San Juan County Superior Court website. Counsel and litigants should direct questions about the local rules to the Superior Court Administrator or County Clerk.

**LJuCR 1.2 – 1.3** *(No Local Rules)*

**LJuCR 1.4. APPLICABILITY OF OTHER RULES**

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

(b) **Civil Rules.** The Superior Court Civil Rules (CR) and Local Civil Rules (LCR) shall apply in all civil juvenile proceedings when not inconsistent with these rules and applicable statutes.

**LJuCR 1.5-1.6** *(No Local Rules)*

**LJuCR 1.7 VOLUNTEER GUARDIAN AD LITEM PROGRAM**

This judicial district has a Volunteer Guardian Ad Litem program. Applicable policies and procedures may be obtained from Juvenile Court Services.

**TITLE II. SHELTER CARE PROCEEDINGS (Rules 2.1-2.5)**

**LJuCR 2.1-2.4** *(No Local Rules)*

**LJuCR 2.5 AMENDMENT OF SHELTER CARE ORDER**

(a) **30-Day Shelter Care Review.** If a parent, child, guardian ad litem, or volunteer guardian ad litem wishes to contest placement of a child during shelter care or any service ordered at the shelter care hearing, he or she must file and serve on all parties and counsel a notice of contested issues no later than three (3) court days before the 30-day shelter care review hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is found to consider the issue, 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. However, the Court shall review visitation/family time unilaterally

at the 30-day shelter care review hearing, regardless of whether a notice of contested hearing is filed, including the presumption in favor of unsupervised and non-monitored visits.

### **TITLE III. DEPENDENCY PROCEEDINGS (Rules 3.1-3.11)**

**LJuCR 3.1 – 3.8** *(No Local Rules)*

#### **LJuCR 3.9 REVIEW HEARING**

(a) **Department’s Written Review Report.** A written review report shall be prepared by the department and shall be filed and served on all counsel and parties not less than ten (10) days prior to the review hearing. The report should include a summary of asserted safety threats posed by each parent and what specific steps are needed to reduce such safety threats in order to achieve a return home. The report also should include a summary of visitation during the review period and any recommendations for changes to the visitation plan, including to effectuate the presumption against supervised or monitored visits.

(b) **Notice of Contested Issues.** After receipt of the department’s report, if a parent, child, guardian ad litem, or volunteer guardian ad litem wishes to contest any issue, he or she must file serve a notice of contested issues no later than five (5) court days before the hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to contest any issue, except the department’s permanency plan.

#### **LJuCR 3.10. MODIFICATION OF ORDER.**

(a) **Content of Motion.** Any party may move to change, modify, or set aside an order pursuant to RCW 13.34.150. The motion shall be in writing, and must state the basis for the motion and the relief requested.

(b) **Hearing.** Any such motion shall be set on a regular Dependency hearing calendar, which occur on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at 1:15p.m., or shall be specially set through the Superior Court Administrator in coordination with all counsel and unrepresented parties. If a motion is expected to take more than fifteen (15) minutes, it shall be specially set.

(c) **Notice.** Unless the Court finds good cause to shorten time or waive notice, any such motion must be filed and served at least nine (9) court days in advance of the hearing. Responsive materials shall be filed and served at least four (4) court days in advance and materials in strict reply shall be filed and served at least two (2) court days in advance.

**LJuCR 3.11** *(No Local Rules)*

### **TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP (Rules 4.1-4.3)**

**LJuCR 4.1 - 4.3** *(No Local Rules)*

### **TITLE V. PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES (Rules 5.1-5.7)**

**LJuCR 5.1 - 5.7** *(No Local Rules)*

## **TITLE 5A. PROCEEDINGS FOR AT-RISK YOUTH (Rules 5A.1-5A.6)**

**LJuCR 5A.1 – 5A.6** *(No Local Rules)*

## **TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS (Rules 6.1-6.6)**

**LJuCR 6.1 – 6.6** *(No Local Rules)*

## **TITLE VII. JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT (Rules 7.1-7.15)**

**LJuCR 7.1 – 7.2** *(No Local Rules)*

### **LJuCR 7.3. DETENTION AND RELEASE**

(a) – (f) *No Local Rules*

(g) **Facilities In San Juan County.** The San Juan County Juvenile Court shall designate appropriate juvenile detention facilities for use; provided, that the detention area within the San Juan Sheriff's Department building may be used for detention of juveniles prior to an initial court appearance if adult prisoners are separated by sight and sound.

**LJuCR 7.4 - 7.15** *(No Local Rules)*

## **TITLE VIII. DECLINING JUVENILE COURT JURISDICTION OVER AN ALLEGED JUVENILE OFFENDER (Rules 8.1-8.2)**

**LJuCR 8.1 – 8.2** *(No Local Rules)*

## **TITLE IX. RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT PROCEEDINGS (Rules 9.1-9.3)**

**LJuCR 9.1 – 9.3** *(No Local Rules)*

## **TITLE X. JUVENILE COURT RECORDS (Rules 10.1-10.9)**

**LJuCR 10.1 – 10.9** *(No Local Rules)*

## **TITLE XI. SUPPLEMENTAL PROVISIONS (Rules 11.1-11.22)**

**LJuCR 11.1 - 11.3.** *(No Local Rules)*

### **LJuCR 11.4. COURT SCHEDULES FOR JUVENILE MATTERS**

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

### **LJuCR 11.5. DUTIES OF CLERKS**

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

## **LJuCR 11.6. 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 11.7 MOTIONS IN JUVENILE OFFENDER MATTERS**

- (a) **Motion Calendar.** The Juvenile Offender Motions Calendar occurs at 2:30 p.m. on 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Monday.
- (b) **Motions.** Unless changed by the Local Juvenile Court Rules, CR 7, JuCR 7, and LCR 7 shall govern motions in juvenile offender cases. Absent good cause shown or as otherwise ordered by the Court, all motions must be made in writing, supported by written declaration where appropriate, and filed and served with the requisite time as set forth below.

(1) *Motions to be Heard on the Juvenile Offender Motion Calendar.* Motions including for substitution of counsel, for detention, to modify conditions of release or bond, and for violations of conditions of release or of the disposition, may be scheduled on the Juvenile Offender Motions Calendar, and unless made orally, must be filed and served at least 5 court days before the hearing, with responsive materials filed and served at least two court days before the hearing and any materials filed in strict reply filed at least 1 court day before the hearing.

(2) *Substantive Pretrial Motions.* Substantive pretrial motions such as motions in limine or motions to suppress must be specially set prior to the first day of trial either through the Superior Court Administrator or pursuant to the omnibus order. Such motions must be filed and served at least 9 court days prior to the hearing, with responsive materials filed and served at least 4 court days in advance, and materials in strict reply filed at least 2 court days in advance, unless otherwise ordered by the Court.

## **LJuCR 11.8 REMOTE APPEARANCES IN JUVENILE OFFENDER MATTERS**

(1) *When Permitted.* Arraignments, detention/release hearings, probation bond hearings, omnibus, readiness and trial settings, and review hearings may be conducted by video on the Court's Microsoft Teams platform so long as: (a) the respondent, counsel, and the Judge may all see and hear each other at all times; (b) the hearing may be viewed on screen in the Superior Court Courtroom; and (c) the respondent and defense counsel have a means to communicate confidentially or respondent waives the right to communicate confidentially in an individual hearing. The parties, counsel and parents may appear by telephone or video via the Court's Microsoft Teams platform for any other pretrial hearing at which the Court has authorized remote attendance. Remote attendance at show cause or violation hearings requires a written stipulation by the parties or order of the Court.

(2) *Remote Hearing Sessions.* Superior Court Administration will schedule Microsoft Teams sessions for all hearings and will make connection information for such hearings available on the Superior Court website (with the exception of hearings for domestic violence protection orders, for which Microsoft Teams hearing information is not publicly available and will be provided by the Superior Court Administrator only to the parties and counsel). The Courtroom will join the Microsoft Teams session for all hearings unless otherwise ordered by the Court in an individual case. The Microsoft Teams platform is the only way to appear remotely for a hearing. The Courtroom remains physically open to the parties, counsel, and the public in addition to remote attendance, unless expressly ordered by the Court.

(3) *Remote Hearing Procedures.* Any person appearing for a hearing remotely shall follow the Court's Remote Appearance Procedures posted on the San Juan County Superior Court website, which may be amended from time to time. In all cases, persons appearing remotely shall: (a) appear in a location as quiet as possible and with background that is without distractions and appropriate for Court; (b) appear in attire appropriate for the Court setting; (c) mute your device until your cases is called, and during their hearing except when it is your turn to speak or as directed by the Judge; and (d) treat all persons pre

**LJuCR 11.9 – 11.22.** *(No Local Rules)*