

CHAPTER 4-C

GUIDE TO THE CLARK COUNTY CLERK'S OFFICE

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CHAPTER 4-C

CLARK COUNTY COURTHOUSE GUIDE

I. (4C.1) INTRODUCTION TO THE CLERK'S OFFICE

- A. (4C.2) OUR MISSION STATEMENT
- B. (4C.3) CLERK'S OFFICE ORGANIZATION
- C. (4C.4) COURTROOMS AND STAFF

II. (4C.5) PLEADINGS

- A. (4C.6) GR 14
 - 1. (4C.7) *Format Requirements.*
 - 2. (4C.8) *Exception for Exhibits.*
- B. (4C.9) CLARK COUNTY LR 10
 - 1. (4C.10) *Signatures Required.*
 - 2. (4C.11) *Pleadings to be Dated and Names Typed.*
- C. (4C.12) CLARK COUNTY CLERK'S OFFICE PLEADING GUIDELINES
- D. (4C.13) CASE COVER SHEET
- E. (4C.14) CASE ASSIGNMENTS
- F. (4C.15) CASE NUMBER
- G. (4C.16) CONSOLIDATION OF CASES
- H. (4C.17) CLERK'S DISMISSAL

III. (4C.18) FILING DOCUMENTS

- A. (4C.19) TO ASSURE ACCURACY IN THE ENTRY OF YOUR PLEADINGS
- B. (4C.20) FILING DEADLINES
- C. (4C.21) COURTESY COPIES
- D. (4C.22) GR 22 - ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT RECORDS
- E. (4C.23) APPEARANCE/WITHDRAWAL
- F. (4C.24) CLERK'S ACTION REQUIRED
- G. (4C.25) DOCUMENT SEALED PURSUANT TO COURT ORDER:
- H. (4C.26) DOCUMENT SEALED PURSUANT TO STATUTE:
- I. (4C.27) CONFORMING COPIES
- J. (4C.28) DISCOVERY MATERIALS
- K. (4C.29) FAX FILINGS
- L. (4C.30) FILING FEES

IV. (4C.31) ACCESS TO RECORDS

- A. (4C.32) LOCATION OF RECORDS
- B. (4C.33) CASE FILE INDEX (SCOMIS)
- C. (4C.34) OBTAINING COPIES
- D. (4C.35) RECORDS SEARCH
- E. (4C.36) SEARCH OF CRIMINAL CASES
- F. (4C.37) COPIES OF COURT PROCEEDINGS
- G. (4C.38) PUBLIC ACCESS TO RECORDS
 - 1. (4C.39) *On Microfilm*
 - 2. (4C.40) *On Liberty*
 - 3. (4C.41) *Personal Viewing*
 - 4. (4C.42) *File check out:*

V. (4C.44) HEARINGS AND DOCKETS

- A. (4C.45) CHANGES FOR CIVIL DOCKETS
- B. (4C.46) TELEPHONIC COURT HEARINGS
- C. (4C.47) EX PARTE ACTIONS

VI. (4C.48) FUNDS MANAGED BY THE CLERK'S OFFICE

- A. (4C.49) PROCEDURES FOR DISBURSEMENT OF FUNDS PAID INTO THE REGISTRY OF THE COURT
- B. (4C.50) LEGAL FINANCIAL OBLIGATION (LFO) PAYMENTS

VII. (4C.51) APPEALS

- A. (4C.52) APPEALS FROM SUPERIOR COURT TO COURT OF APPEALS OR SUPREME COURT
- B. (4C.53) APPEALS OF DECISIONS BY COURTS OF LIMITED JURISDICTION TO SUPERIOR COURT
- C. (4C.54) APPEAL OF ADMINISTRATIVE LAW REVIEWS (ALR)

VIII. (4C.55) TRIALS

- A. (4C.56) IDENTIFICATION OF WITNESSES
- B. (4C.57) EXHIBITS
- C. (4C.58) DESIGNATION OF EXHIBITS
- D. (4C.59) IDENTIFICATION OF EXHIBITS
- E. (4C.60) GR 20. SECURITY IN HANDLING COURT EXHIBITS:
 - 1. (4C.61) *Hazardous, Valuable, and Bulky Exhibits.*
 - 2. (4C.62) *Controlled Substances.*
 - 3. (4C.63) *Original exhibit.*
 - 4. (4C.64) *Appeal.*
 - 5. (4C.65) *Hazardous exhibits.*
- F. (4C.66) RECEIPT FOR EXHIBITS AND STIPULATION AND ORDER FOR RETURN AND/OR DESTRUCTION OF EXHIBITS
- G. (4C.67) DOCUMENTS FILED DURING TRIAL

IX. (4C.68) FOREIGN DEPOSITIONS

- A. (4C.69) FOREIGN DEPOSITIONS FOR LOCAL ACTIONS
- B. (4C.70) LOCAL DEPOSITIONS FOR FOREIGN ACTION

X. (4C.71) UNLAWFUL DETAINERS

XI. (4C.72) MANDATORY SETTLEMENT CONFERENCES

XII. (4C.73) PROBATE

XIII. (4C.74) GUARDIANSHIPS

XIV. (4C.75) RESOURCES

I. (4C.1) INTRODUCTION TO THE CLERK'S OFFICE

A. (4C.2) Our Mission Statement

Clark County Clerk's Office employees will efficiently maintain and protect the integrity and accuracy of the judicial records of the Clark County Superior Court while serving the public in a courteous, professional and timely manner.

B. (4C.3) Clerk's Office Organization

Clerk's Office public hours are from 8:00 a.m. to 4:30 p.m. Monday through Friday. The Juvenile Department is closed from 12:00 pm to 1:00 pm daily.
Mailing address: P.O. Box 5000, Vancouver, Washington 98666-5000.

Clerk's Office Phone/Fax Numbers:

360-397-2292 (civil)

360-397-2295 (criminal) Fax: 360-397-6099 (Main Office – civil and criminal)

360-397-2292 (Facilitator Information Line)

360-397-2073, Fax: 360-397-2482 (Juvenile Court Office)

360-397-6085 (Collections Office)

The Clerk's Office consists of five units in four separate locations. The criminal unit and the civil unit are located in the Main Office on the first floor of the County Courthouse, 1200 Franklin Street. The Facilitator's Office is also located on the first floor of the Courthouse, near the Jury Assembly room. The Juvenile Office is on the second floor of the Juvenile Department at 500 W. 11th Street and the Collections Unit is at 500 W. 8th Street, Suite 50.

To obtain the best possible service, you should contact the unit for the case type in question. This will ensure that you speak with a deputy clerk who is experienced in all aspects of that case type.

C. (4C.4) Courtrooms and Staff

The Clark County Superior Court bench consists of ten judges and two full time court commissioners. The following table may be helpful to you. Judicial Assistants are assigned on a full time basis in each judge's office. They track the judge's calendar, monitor the electronic court record and schedule special set hearings. The commissioners share a part-time assistant who helps with special settings, mail and telephone messages.

Clerk's Judicial Proceeding Specialists are employed by the Clerk's Office. They attend all court sessions, create the Clerk's Minutes of dockets and hearings, take responsibility for exhibits and file documents.

Bailiffs work on an as needed basis for trials. They are responsible for jury comfort, security and are the liaison between the court and the jury. Jury scheduling is arranged by the office of the Superior Court Administrator.

Please refer to the most recent Superior Court Judges' Schedule for rotation of judges serving on civil and criminal trials, dockets and family and juvenile court matters. The Clerk's Office also publishes a schedule of Cancelled Civil Motion and Family Law Dockets. Updates of these schedules are available on the Superior Court website:

www.clark.wa.gov/courts/documents.html.

DEPT	JUDGE/COMMISSIONER	CHAMBERS	JUDICIAL ASSISTANT
1	Roger A. Bennett	4 th Floor	Kim Nigg 397-2315
2	John P. Wulle	3 rd Floor	Rhonda Stockman 397-2248
3	John F. Nichols	4 th Floor	Robbie Moore 397-2260
4	Edwin L. Poyfair	Family Law Annex	Gizella Darfler 397-2354
5	Robert L. Harris	5 th Floor	Leeann Kunze 397-2017
6	Barbara D. Johnson, Presiding	4 th Floor	Donelle Breeding 397-2005
7	James E. Rulli	3 rd Floor	Linda Fish 397-6133
8	Diane M. Woolard	3 rd Floor	Dayle Rae 397-2068
9	Robert A. Lewis	5th Floor	Andrea DeShiell 397-2226
10	Scott A. Collier	Family Law Annex	Tracy Haxby 397-2170
	Commissioner Carin Schienberg	Juvenile	Rebecca Wittenborn 397-4037
	Commissioner Daniel Stahnke	Family Law Annex	Rebecca Wittenborn 397-4037

The Family Law Annex is located at 601 W Evergreen Boulevard, two blocks south of the Courthouse. The entrance is located on the west side of the building facing a courtyard. No Clerk's Office staff are permanently located in this facility at this time.

II. (4C.5) PLEADINGS

GR 14 and Clark County LR 10 provide specific requirements for preparing pleadings. Please review these requirements with your staff and review documents to make sure they conform before they are filed with the Clerk's Office.

A. (4C.6) GR 14

GR 14 applies to all proceedings in all courts of the State of Washington unless otherwise specifically indicated by court rule. If you are filing smaller pieces of paper, tape them to a standard sheet of paper and do not attach by stapling, as they will be scanned.

1. (4C.7) Format Requirements.

All pleadings, motions, and other papers filed with the court shall be legibly written or printed. The use of letter-size paper (8-1/2" x 11") is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of three inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings.

2. (4C.8) Exception for Exhibits.

This rule is not mandatory for exhibits, but the use of exhibits that comply with this rule is encouraged if it does not impair legibility.

B. (4C.9) Clark County LR 10

This rule corresponds to the general Court Rule for the state. Please remind your staff of this rule and review all documents before they are presented. Since the advent of word processing, strange page alignments happen periodically.

1. (4C.10) Signatures Required.

Every order presented for a Judge's signature shall include a portion of the text on the signature page and shall be signed by the individual attorney presenting it on the lower left-hand corner of the page to be signed. [Amended effective September 25, 1989]

2. (4C.11) Pleadings to be Dated and Names Typed.

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

C. (4C.12) Clark County Clerk's Office Pleading Guidelines

- Two-sided documents should not be filed. All documents, including pleadings and any attachments, MUST be on single sided paper. Failure to comply with the rule may result in pages being missed while they are being scanned into the imaging system. This affects the accuracy of the permanent record and incomplete Clerk's Papers being sent to Appellate Courts.
- Tabs should not be submitted with pleadings. They cannot be scanned into the imaging system and must be removed and discarded. Please use some other method to identify your attachments. Tabs can be used on the bench copies submitted to the judicial officer assigned to the case. Bench copies should be delivered to the judge's chambers or to the Superior Court Administrator's Office, for court commissioners.

- Booklets and Pamphlets should be separated and submitted as single pages. Documents or attachments which are in pamphlet or booklet format may be returned to you since they must be torn apart for scanning into the imaging system.
- Large documents should be bound with binder clips. All staples are removed prior to scanning and removal of heavy duty staples is difficult. Once scanned, the document will be stapled by our office. Documents which do not fit in binder clips may be submitted in 3-ring binders or with two-hole prong fasteners centered on top of the pleading.
- Illegible documents or documents that contain pages of poor scanning quality will be marked as such. Please be sure your pleadings and attachments are of good copying quality.

D. (4C.13) Case Cover Sheet

New case filings must be accompanied by a Case Information Cover Sheet. This form speeds up the processing of new filings by specifying the cause of action. Please check only one box and make sure you have signed, dated and included your Washington State Bar number on all pleadings. The Case Information Cover Sheet is available in the Clerk’s Office and on the Washington Courts website at www.courts.wa.gov under the forms section.

E. (4C.14) Case Assignments

Criminal and civil cases are randomly assigned to a judge by a computer generated list to ensure a balanced caseload for each judge who hears these cases. Starting in 2007, domestic relations cases are assigned to the family law judges and the court commissioners according to the eighth digit of the case number. Cases filed before 2007 are assigned according to the last digit of the case number. When a case is filed or re-opened, you will be given the information you need regarding who should hear your matter.

F. (4C.15) Case Number

Each cause of action filed in the Clerk’s Office is assigned a case number at the time the filing fee is paid or a criminal charging document is filed.

IMPORTANT NOTE: Incorrect case numbers can result in lost documents and delays in filing documents in the court file. If a case number is missing or incorrect, we cannot guarantee that pleadings will be in the file prior to the hearing date for consideration by the judge or court commissioner.

We suggest that you check the case number on the beginning document and write it on the front of your file for quick reference. Case numbers can be checked on the internet at www.courts.wa.gov.

The numbering system adopted by the State of Washington for all counties has four components, as follows:

96-2-00010-4 means:

96	2	00010	4
Year	Case Type	Sequential Case number	Check Digit

(1) Year: a two-digit number indicating the year the case was filed.

(2) Case Type: a one-digit number representing the case type as shown in the table below:

Case Type	Color of File	Type of Case
1	Buff	Criminal
2	Green	Civil
3	Purple	Domestic
4	Pink	Probate/Guardianship
5	Yellow	Adoption/Paternity
6	Orange	Mental Illness
7	Light Blue	Juvenile Dependency
8	Red	Juvenile Offender
9	No file	Judgment

(3) Sequential Case Number: a five digit number which counts the cases in sequence of filing (i.e., this was the 10th case filed in 1996 under the civil case type).

(4) Check Digit: a one-digit number randomly assigned by the computer to ensure accuracy.

G. (4C.16) Consolidation of Cases

When an Order of Consolidation is filed, all further pleadings will be indexed under the oldest case unless otherwise specified. All further documents must be filed under the number it was consolidated into (the master file). All pleadings should then reflect the case number of the master file. The heading from all cases needs to be included in the heading (i.e., if four cases have been consolidated, there would be four headings with the master case listed first).

All pleadings must contain all case numbers and headings – clearly mark which case number is the master file. If you have questions, contact the Clerk’s Office.

H. (4C.17) Clerk’s Dismissal

If a case has not been completed and there has been no activity for twelve (12) months, a Clerk’s Notice of Dismissal for Want of Prosecution will be sent to all parties who have appeared in the case according to the provisions of CR 41. If the parties do not respond, a Clerk’s Order of Dismissal will be entered thirty (30) days following the date of mailing.

III. (4C.18) FILING DOCUMENTS

Documents are accepted for filing in either the Main Office or the Juvenile Office between the hours of 8:00 am and 4:30 pm each weekday. Each document received by the Clerk’s Office is date and time stamped and then routed to a deputy clerk for entry into SCOMIS (Superior Court Management Information System). After entry, the document is given to a scanning clerk. It is then scanned into Liberty (the Clerk’s imaging system) and then routed to the filing clerk for placement into the court file. Another clerk will “link” (index the document image to the SCOMIS entry) the document for later electronic retrieval.

A. (4C.19) To Assure Accuracy in the Entry of Your Pleadings

- Make sure the case number on your pleadings is correct – don't assume. We would suggest that you check the case number on the beginning document and write it on the front of your file for quick reference. NOTE: Case numbers can be checked on the internet at www.courts.wa.gov.
- Staple only following pages to any one document face sheet.
- Use paper clips to attach separate documents with the same case number to one another. This will help to assure that all documents are correctly entered in SCOMIS.
- Do not combine Summons and Complaints, Stipulation and Order or Motion and Order; they are separate documents and must be filed that way.
- Do not file Proposed Orders. Once they have been entered in SCOMIS and scanned, they cannot be taken out of the file and signed by the judicial officer. Bring Orders to court with you to be signed.
- When submitting a document to be filed under more than one case number, you must provide one copy for each case number indicated. Please circle the case number to indicate in which case each pleading should be filed. Highlighted items on filed documents do not display on a scanned image.

B. (4C.20) Filing Deadlines

Local Court Rule 6 sets forth the following filing deadlines: for a Friday docket, affidavits must be served and filed with the Clerk's Office no later than 4:30 p.m. on Wednesday; for a Wednesday docket, affidavits must be served no later than 4:30 p.m. on Monday.

The docket clerk pulls the files and delivers them to the judicial officer several days before the docket. To ensure that your documents are available for the judicial officer, either provide a courtesy copy or file the documents with the Clerk's Office at least one week before the hearing.

C. (4C.21) Courtesy Copies

Courtesy copies of documents should be provided to the judicial officer hearing the matter consistent with the above stated filing deadlines. Courtesy copies should be delivered to the judicial assistant in Superior Court – not the Clerk's Office. Courtesy copies for the commissioners should be left in the commissioner's mailbox in the Superior Court Administrator's office, located on the fourth floor of the courthouse. It is helpful for the judicial officer if the hearing date is written on or attached to the document so the judge or commissioner knows for which docket or hearing it is scheduled.

D. (4C.22) GR 22 - Access to Family Law and Guardianship Court Records

GENERAL RULE 22

ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT RECORDS

- (a) Purpose and Scope of this Rule. This rule governs access to family law and guardianship court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court

records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

- (1) "Court record" is defined in GR 31(c)(4).
- (2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.
- (3) "Personal Health Care Record" means any record or correspondence that contains health information that (1) relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care; or (2) involves genetic parentage testing.
- (4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.
- (5) "Public access" means unrestricted access to view or copy a requested court record.
- (6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

COMMENT

A party is not required to provide a residence address. Petitioners or counsel to a family law case will provide a service or contact address in accordance with CR 4.1 that will be publicly available and all parties and counsel should provide a contact address if otherwise required. Pattern forms shall be modified, as necessary, to reflect the intent of this rule.

- (7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

- (8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, retirement plan orders, as well as other financial information sealed by court order.
- (c) Access to Family Law or Guardianship Court Records.
- (1) General Policy. Except as provided in RCW 26.26.610(2) and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.
- (2) Restricted Access. The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), and any Personal Information Sheet necessary for Judicial Information System purposes shall only be accessible as provided in sections (g) and (h) herein.
- (3) Excluded Records. This section (c) does not apply to court records that are sealed as provided in GR15(c)(2)(B), or to which access is otherwise restricted by law.
- (d) Restricted Personal Identifiers Not Required-Except. Parties to a family law case or the protected person in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:
- (1) "Sealed financial source documents" filed in accordance with (f)(1) below:
- (2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by R.C.W. 26.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for Judicial Information System purposes.
- (3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (f) of this rule.

COMMENT

Court records not meeting the definition of "Sealed Financial Source Documents", "Personal Health Care Records", Retirement Plan Orders, Confidential Reports or court records that otherwise meet the definition but have not been submitted in accordance with (f)(1) are not automatically sealed. Section (f)(3) provides authority for the court to seal court records containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

- (e) Filing of Reports in Family Law and Guardianship cases ? Cover Sheet.
 - (1) This section applies to documents that are intended as reports to the court in Family law and Guardianship cases including, but not limited to, the following:
 - (A) Parenting evaluations;
 - (B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court;
 - (C) Risk Assessment Reports created by Family Court Services or a qualified expert;
 - (D) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;
 - (E) Sexual abuse evaluations; and
 - (F) Reports of a guardian ad litem or Court Appointed Special Advocate.
 - (2) Reports shall be filed as two separate documents, one public and one sealed.
 - (A) Public Document. The public portion of any report shall include a simple listing of:
 - (i) Materials or information reviewed;
 - (ii) Individuals contacted;
 - (iii) Tests conducted or reviewed; and
 - (iv) Conclusions and recommendation.
 - (B) Sealed Document. The sealed portion of the report shall be filed with a coversheet designated: "Sealed Confidential Report." The material filed with this coversheet shall include:
 - (i) Detailed descriptions of material or information gathered or reviewed;
 - (ii) Detailed descriptions of all statements reviewed or taken;
 - (iii) Detailed descriptions of tests conducted or reviewed; and

- (iv) Any analysis to support the conclusions and recommendations.
- (3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document excerpt under seal.
- (f) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases-Cover Sheet.
 - (1) Financial source documents, personal health care records, and confidential reports as defined in (e)(2)(B) of this rule shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS", "SEALED PERSONAL HEALTH CARE RECORDS" or "SEALED CONFIDENTIAL REPORT" for filing in the court record of family law or guardianship cases.
 - (2) All financial source documents, personal health care records, or confidential reports so submitted shall be automatically sealed by the clerk. The coversheet or a copy thereof shall remain part of the public court file.
 - (3) The court may order that any financial source documents containing restricted personal identifiers, personal health care records, or any report containing information described in (e)(2)(B) be sealed if they have not previously automatically been sealed pursuant to this rule.
 - (4) These coversheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

COMMENT

See comment to (d)(3) above.

- (g) Access by Courts, Agencies and Parties to Restricted Documents.
 - (1) Unless otherwise provided by statute or court order, the following persons shall have access to all court records in family law or guardianship cases:
 - A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.
 - (B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E or XIX of the Federal Social Security Act.

- (2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.
 - (A) Parties of record as to their case.
 - (B) Attorneys as to cases where they are attorneys of record.
 - (C) Court appointed Title 11 guardians ad litem as to cases where they re actively involved.
- (h) Access to Court Records Restricted Under this Rule.
 - (1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.
 - (2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.
 - (3) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children. If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

[Adopted effective October 1, 2001; amended effective July 1, 2006.]

E. (4C.23) Appearance/Withdrawal

Whenever you appear, withdraw or substitute as counsel in a case, you should file the appropriate notice (i.e., Notice of Appearance, Notice of Intent to Withdraw or Notice of Substitution of Counsel) so that our index will reflect the correct attorney of record. In cases of multiple parties, please indicate in the body of your appearance for which plaintiff or defendant you are appearing. If you are signing for another attorney, please sign your name as follows; “John Attorney for Mary Attorney”. CR 71 sets forth the requirements with regard to withdrawals by attorneys. Please make sure the proper withdrawal is utilized, i.e., withdrawal by order, withdrawal by notice or withdrawal and substitution.

F. (4C.24) Clerk’s Action Required

If a pleading requires action by the Clerk, it MUST be reflected in the heading. The Clerk cannot guarantee that an action ordered in a pleading will be processed as such if the title does not accurately reflect the requested action. Please indicate the words, “CLERK’S ACTION REQUIRED” in your heading when appropriate.

The following list refers to documents wherein Clerk’s action is required:

Citation	Order Appointing GAL
Designation of Clerk’s Papers	Order Appointing Personal Representative
Note for Trial Setting & Initial	Order Changing Venue
Statement of Arbitrability	Order Authorizing Removal of Court File
Order Disbursing Funds	Order Continuing Hearing
Order Directing Family Court Investigation	Order Shortening Time
Order for Issuance of Bench Warrant	Order to Consolidate
Order Issuing Writs	Order to Remove Documents form File
Order of Hearing	Order to Show Cause
Order Sealing a File/Document	Notice of Hearing
Restraining Orders	Notice of Appeal
Wash. State Support Registry documents	

G. (4C.25) Document Sealed Pursuant to Court Order:

Unless sealed pursuant to GR22, a document is considered available for public access. If a document is sealed pursuant to an order of the court, it is necessary to bring this to our attention. Please indicate in the caption of the sealed document: “CLERK’S ACTION REQUIRED – DOCUMENT SEALED PURSUANT TO ORDER ENTERED (DATE)”

H. (4C.26) Document Sealed Pursuant to Statute:

If a document is sealed pursuant to statute, it is necessary to bring this to our attention. Please indicate in the caption of the sealed document: “CLERK’S ACTION REQUIRED – DOCUMENT SEALED PURSUANT TO RCW (NUMBER)”

I. (4C.27) Conforming Copies

The Clerk’s office makes available name stamps of all the judges and court commissioners and file date stamps, in the microfilm viewing area of the Main Office and at the front counter of the Juvenile Office. When filing original documents, please feel free to use whatever stamp you may need and conform as many copies as you wish.

J. (4C.28) Discovery Materials

Unpublished Depositions, Interrogatories and Responses to Interrogatories are not filed with the Clerk's Office unless specific pages are used in a pleading or by order of the court. If presented for filing, **they will be returned pursuant to CR 5(i).**

K. (4C.29) Fax Filings

Generally, fax filings are not accepted by the Clerk's Office. The ONLY exception is a Citation for the Change of Plea dockets. The reason for this is the limit of 13 cases on each docket. We will accept a faxed Citation for those dockets.

When faxing documents to another party for filing with this office, please be sure to comply with all requirements of GR 17, especially GR 17(a)(2). Documents filed on facsimile thermal graphic paper will be returned per GR 17 (a)(5). They cannot be filed in the court file as the acid contained in the paper will age the file and destroy the documents. Court files are permanent records and must not be destroyed. Please make copies of these documents on bond paper prior to filing and indicate on the document, "Faxed Copy." In order to file a faxed copy of a document, the person filing must complete the affidavit provided in GR 17.

L. (4C.30) Filing Fees

Cash, money orders, cashier's checks, credit cards or company or firm checks will be accepted for any monetary transaction. Please refer to the Fee Schedule posted in our office and on our website at www.clark.wa.gov/courts/clerk/fee-schedule.html.

IV. (4C.31) ACCESS TO RECORDS

All court records must be retained by the County Clerk. Court records include Clerk's Minutes and evidence or exhibits introduced at trial. These court records may be classified in many categories, but the four major categories of court work that are accessible to the public are divided into the following areas: civil, criminal, domestic and probate/guardianship. The Clerk's Office also records four additional general types of court actions, which are not accessible to the public: mental illness (RCW 71.05.620); adoption (RCW 26.33.330); paternity (all documents filed after the order determining paternity are public – RCW 26.26.610) and dependency (RCW 13.50.100). These case types are confidential pursuant to the above statutes and files may only be reviewed as permitted by the pertinent statute or upon court order for good cause shown.

A. (4C.32) Location of Records

All records for criminal (case type 1), civil (case type 2), domestic (case type 3), probate/guardianship (case type 4), paternity/adoptions (case type 5) and mental illness and alcohol treatment (case type 6) can be accessed through the Main Office on the first floor of the courthouse.

All records for juvenile dependency (case type 7) and juvenile offender (case type 8) can be accessed through the Juvenile Office on the second floor of the Juvenile Justice Center.

B. (4C.33) Case File Index (SCOMIS)

All case records from 1979 forward are indexed on SCOMIS and available for public access on the state courts' website at www.courts.wa.gov. There are public computer terminals available in the lobby of the Main Office to check those records.

C. (4C.34) Obtaining Copies

The fee for certified copies of any document on file or of record in the Clerk's Office is \$5.00 for the first page and \$1.00 for each additional page, per document as allowed in RCW 36.18.016(4). Copies not needing certification are 50¢ per page in printed format or 25¢ per page in electronic e-mailed format. Large copy requests of documents filed in cases filed after 1997 are available on CD for 25¢ per page. There is an additional charge of \$20.00 per CD for this service, which includes postage.

Certification of specific pages in a document is not allowed. The entire document must be copied, if you are requesting the Clerk's Office to certify the document.

Electronic certified copies of any document stored in our Liberty Imaging System are available through www.clerkepass.com. That service charges an \$8.00 fee for each document in addition to the fees stated above for certified copies. Contact the Clerk's Office for further information.

D. (4C.35) Records Search

Clerk's Office staff will search historical Clark County records for any request made in writing. The records search fee is \$20.00. If the search involves more than one hour of time, the fee will be charged at the rate of \$20.00 per hour. Please send requests and inquiries to clerk@clark.wa.gov or write to:

Clark County Clerk's Office
Attention: Records search
P.O. Box 5000
Vancouver, WA 98666-5000

A self-addressed envelope WITH ADEQUATE POSTAGE must also be provided for the return of your documents, if they are to be mailed.

NOTE: Due to U.S. Postal Service regulations effective May 14, 2007, if the documents will be more than 1/4" thick, they cannot be put in a No. 10 envelope, but rather need to be in an envelope that will allow the 8 1/2 " x 11" document to be flat and not folded. If adequate envelopes and/or postage are not provided, your initial request will be returned without the documents you are seeking.

E. (4C.36) Search of Criminal Cases

There is a \$5.00 charge for each individual requested in a criminal records search. This search includes a written form verifying the existence or non-existence of Clark County criminal convictions from 1979 to present. Additional costs are assessed for copies and a research fee of \$20.00 could be assessed if the request is for searches dated before 1979. Requests are accepted by regular mail, fax or e-mail. Please provide the following in your request:

Name of person: last name, first name and middle name, date of birth or any other personal identifiers. Provide the approximate date of the offense, and possible criminal charge; if you're looking for a specific criminal filing. A service fee of \$5.00 must be paid in advance (ask staff regarding payment options). If you are using regular mail, a self addressed stamped envelope (see new U.S. Postal Service regulations above) should be mailed to:

Clark County Clerk's Office
Attn. Criminal Department
PO Box 5000
Vancouver, WA 98666-5000

If a statewide criminal conviction search is needed, that information can be requested through the Washington State Patrol's criminal history web site at <https://watch.wsp.wa.gov/> for a fee of \$10.00 per person.

F. (4C.37) Copies of Court Proceedings

Clark County records most court proceedings using either videotape or CD. Copies of these records may be obtained by paying the Court Administrator's office a fee of \$25.00 per videotape or CD. When requesting a copy, you should provide the hearing date, the names of the parties and/or the case number. The receipt of payment should then be presented to the judicial assistant for the judicial officer who heard the matter. The judicial assistant will prepare a copy of the proceedings and contact you when it is available. Please allow several days for this process.

If you know you will want copies of trial or hearing proceedings, please notify the judicial assistant at the start of the trial or hearing and she can prepare a copy during the proceeding, which you can have at the end of each day, if you so choose. The same charges apply for this service as are indicated above.

G. (4C.38) Public Access to Records

1. (4C.39) On Microfilm

Some civil and domestic records on microfilm date as far back as the 1890s. Other cases, such as juvenile dependency and adoption records, vary. All records prior to 1997 are on microfilm and are located at the Main Office. Please ask the deputy clerk at the counter for assistance. Copies may be made directly from the microfilm reading machines or use the Copy Request Form on the Clerk's website to request copies by mail. There may be a \$20.00 search fee for this service.

2. (4C.40) On Liberty Imaging System

All documents filed in civil, criminal, domestic, dependency and juvenile cases from 1996 forward and probate cases from 1997 forward have been scanned into the Clerk's Liberty Imaging System. These documents can be retrieved and copied by Clerk's Office staff or from a computer located in the lobby of the Main Office. Copies print at the front counter and require a fee of 50¢ per page uncertified or \$5.00 for the first page and \$1.00 for each additional page for each certified document.

Starting in early 2009, the Clerk's Office will make 24 hour internet access to public documents available through sale of licenses to our Liberty Imaging System. This service will cover cases filed from 1996 to present and includes training and technical support. Contact the Clerk's Office for more information and pricing.

3. (4C.41) Personal Viewing

Court files that are not confidential can be accessed by the public under supervision of a Clerk's Office employee for viewing in our office lobby. Documents cannot be removed from the file or altered in any way. Paper clips can be used to mark which documents you are requesting to have copied. Certified or uncertified copies are made by Clerk's Office staff only.

4. (4C.42) File check out:

In accordance with Clark County LCR 79(2)(A) and 79(3)(A), judges and judicial assistants may check out files for use by the court. Attorneys with a WSB number, or their office staff (not their runners), may check out files for up to three (3) days. An attorney's employee must provide the attorney's business card giving permission from the attorney to withdraw any confidential file. Adoption files may only be withdrawn by an attorney with a Notice of Appearance filed in that case. Any request to withdraw a file from the Clerk's Office within one calendar week of its being scheduled for a court hearing or trial will be denied.

Checkout slips are available at the front counter. The ability for attorneys to check out files is a privilege granted by the County Clerk. That privilege will be revoked if there is evidence of any abuse to the documents or the files. **Do not** tamper with or remove any document from the file. **Do not** change or add any additional information to a document that is in the file. Notify the Clerk immediately if someone has done so.

NOTE: Some older files are kept in offsite storage. There is a 24 hour waiting period for their retrieval. A list is available at www.clark.wa.gov/courts/clerk under Clerk's File Location.

V. (4C.44) HEARINGS AND DOCKETS

Matters are placed on dockets or for hearings in several ways. Attorneys or litigants can file a Citation, matters can be set by the Court or matters can be set by the Clerk's Office for review.

If an attorney or a pro se litigant is setting a matter on a docket, it should be set before the proper judicial officer at the proper time. Citations for all dockets, except criminal matters, should be properly served and filed by 4:30 pm on Friday for the following week's dockets. If you, or your staff, have questions, please call the Clerk's office. Special settings should be arranged with the judicial assistant for that judicial officer.

A. (4C.45) Changes for Civil Dockets

Filing an Amended Citation does not automatically strike a matter from a docket. If you have a matter that must be stricken from a docket, or will be set over to a future docket, please e-mail the docket clerk at docket@clark.wa.gov as soon as possible before that docket. You can also reach the docket clerk by calling 360-397-2292. Please tell the docket clerk your name or the firm's name, the case number, the case title, the date the case is scheduled and which judge or commissioner is scheduled to hear the matter.

The judge or commissioner would appreciate notification also. Call the judicial assistant to notify the judicial officer. The judicial officer reads the materials for the matters on the docket one to three days before the docket. If notified of a change, the judge or

commissioner does not have to read that material unnecessarily. If asked, most will keep the materials to read when the matter will be heard.

B. (4C.46) Telephonic Court Hearings

Please make arrangements for telephonic court hearings with the judicial assistant for the assigned judge or court commissioner.

C. (4C.47) Ex Parte Actions

Clark County Superior Court does not have a formal ex parte docket. A judge or commissioner is assigned to review and sign ex parte orders at 1:15 p.m. daily. Check with the Clerk's Office to verify which judge or commissioner is assigned and where matters will be presented. If you wish to pre-arrange a time for presentation of an ex parte order, you may contact the judicial assistant to learn when the judge will be available.

The Clerk's Office will present ex parte orders on your behalf. You may mail one to three proposed orders to the Clerk, along with copies for conforming, a self-addressed envelope of the proper size with the proper postage affixed, and a law firm check for \$20.00. **NOTE:** please follow the new US Post Office rules as stated under the Records Search section of this document. The Clerk's Office will present the order(s) and return your conformed copies to you.

Final parenting plans require a search of the Judicial Information System (JIS) for data that might be of interest to the judicial officer. If a final parenting plan will be presented on the daily ex parte docket, you should notify the Clerk's Office staff at the civil counter or contact the Clerk's Office at exparte@clark.wa.gov by 11:00 am the day of presentation. The minimum information required is the case number for a domestic case (case type 3). For a paternity case (case type 5), you should include the case number and the date of birth for each of the parties. Final parenting plans presented for signature without this prior notification will **not** be signed by the judicial officer.

You may choose to leave the unsigned Ex Parte Order for fee waivers and restraining orders with the Clerk's Office and come back at 1:15 p.m. of the same day to retrieve your copies. The documents must be left at the Clerk's Main Office by 11:00 a.m. If you are presenting a Restraining Order for signature, you are required to submit a Law Enforcement Information sheet in order for the Restraining Order to be entered in the statewide database.

VI. (4C.48) FUNDS MANAGED BY THE CLERK'S OFFICE

All monies received by the Clerk's Office are deposited in the Clerk's Trust Fund. Any interest is collected by the county. Funds managed by the Clerk's Office include:

- Payments on legal financial obligations made by adults and juveniles
- Bail for adults and juveniles
- Deposits made for civil cases, including interpleaders and surplus funds
- Minor settlements

Checks are issued twice a week, on Monday and Thursday, from the Court Registry.

A. (4C.49) Procedures for Disbursement of Funds Paid into the Registry of the Court

- 1. For Civil Cases:** An appropriate Order to Disburse is required. The check will be made payable as directed in the Order and, unless otherwise directed, the check

will be forwarded to the attorney. If the attorney wishes to pick up the check, the Clerk's accounting department should be notified.

2. **For Bail:** Unless otherwise stated on the adult Judgment and Sentence or the juvenile Disposition Order, bail will automatically be refunded to the posting party and mailed in a timely manner upon disposition of the action for which the defendant posted bail.
3. **For Minor Settlements:** An appropriate Order to Disburse is required. If monies are to be deposited into an interest bearing account, the banking institution must be in Clark County. If appropriate, include language in the Order stating that the minor is entitled to receive funds and accrued interest, without further order of the court, at a certain age (usually 18). The check(s) will be made payable as stated in the Order and forwarded to the attorney for distribution. If the attorney wishes to pick up the check(s), the Clerk's accounting department should be notified.
4. **Investments for Attorneys:** If an attorney wishes to have monies invested, the following procedures apply: the investment amount must be at least \$2,000.00; the attorney should present the Clerk's Office with a signed Order stating the monies may be invested; the attorney should present the Clerk's Office with a letter indicating the length of time for which the funds are to be invested and include the name; Social Security number or company name; and Federal Tax ID number for the party who will be responsible for the interest income.

Please remember that, per RCW 36.48.090, the Clerk's Office is entitled to 5% of the accrued interest for services rendered. That wording must be included in the Order to Disburse.

B. (4C.50) Legal Financial Obligation (LFO) payments

Pursuant to RCW 10.82.090, interest shall accrue on all outstanding LFOs for adults. The accounting system in the Clerk's Office automatically calculates monthly interest charges on criminal accounts receivable. The system posts this calculation on the first day of the month. No interest is assessed on Juvenile cases.

Our office accepts cash, cashier's checks, money orders and credit cards for payments on LFOs. We accept checks from an attorney's firm, providing they have a Washington State Bar number and company checks if a payroll deduction has been ordered. There is a \$25.00 charge for any NSF check.

Payments by credit or debit card through Point and Pay are accepted for LFO payments and Clerk's service fees. Contact the Collections Office for information. There is a convenience fee of 2.95% or a minimum \$2.00 fee per transaction.

The Clerk's Office collects \$100.00 per year as a service fee on unpaid balances of LFOs according to RCW 9.94A.760; RCW 9.94A.780(5) and RCW 36.18.190. If a defendant has LFOs on more than one case, payments are made to the oldest case first with restitution taking precedence within that case. The yearly collection fee is charged only on the case being paid on at that time.

VII. (4C.51) APPEALS

The Clerk's Office receives and processes documents for appeals from Superior Court to the Court of Appeals and the State Supreme Court, appeals from Courts of Limited Jurisdiction to Superior Court and appeals of Administrative Law Reviews. The deputy clerk who handles these matters is available to answer any questions you may have. Contact her at 360-397-2292.

A. (4C.52) Appeals from Superior Court to Court of Appeals or Supreme Court

The Notice of Appeal or Notice of Discretionary Review must be filed in Superior Court (accompanied by the \$250.00 filing fee) within 30 days of entry of the Order on the trial court's decision. A business check, cashier's check or money order should be made payable to the Clark County Clerk. When filing the appeal, attach a copy of the Order or Judgment being appealed to the Notice of Appeal. Filing the Affidavit of Service simultaneously with the Notice of Appeal is required by the court and will save time and paperwork. If the appellant is indigent, file the Motion and Order of Indigency with the Notice of Appeal.

When preparing the Designation of Clerk's Papers and Exhibits, include the Clerk's sub numbers and filing dates along with the description of the document. In addition, designate the Notice of Appeal as a document to be transmitted. If you supplement the Designation, include only those additional documents to be sent to the Appellate Court to avoid documents being transmitted twice.

While exhibits marked during the trial court proceedings won't have a sub number, the Exhibit List does have exhibit numbers. The Exhibit List should be designated if you are designating exhibits.

In Administrative Law Review cases, it is helpful if a notation is made in the Designation requesting to have the Administrative Record transmitted to the Appellate Court. It is not necessary to individually list any portion of the Administrative Record in the Designation since the entire record will be transmitted.

The Designation of Clerk's Papers and Exhibits should be filed with both the trial court and the appellate court. Statements of Arrangements and Briefs should be filed directly with the appellate court, not the trial court.

Original Verbatim Reports of Proceeding should be filed by the court reporter or transcriber with the trial court along with the diskettes or CDs. The attorney should request the court reporter or transcriber, who may not be familiar with the filing procedure, to notify the Clerk's Office, when the Verbatim Report is filed, that the case is on appeal. This will avoid the transcript being placed into the court file rather than being forwarded to the appellate court. The Clerk's Office can supply a list of approved transcribers if you do not have a resource.

In cases where the appellate court has rendered its decision and returned the case to the trial court, the prevailing party must obtain an Amended Judgment in the trial court in order to enforce the appellate court's decision. The Amended Judgment must be presented before, and signed by, a judge in the trial court and will be based upon the Mandate issued by the appellate court. It is important to include the first page Judgment Summary directing the award of any costs of the appeal and directing the Clerk of the trial court to modify, reverse, set aside or vacate the original judgment, if applicable.

Some forms can be found in the Appendix of Forms located at the end of the Rules on Appellate Procedure or at www.courts.wa.gov/forms.

B. (4C.53) Appeals of Decisions by Courts of Limited Jurisdiction to Superior Court

Appeals of decisions rendered by Courts of Limited Jurisdiction should be filed directly with the court whose decision is being appealed pursuant to Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The lower court will file the Notice of Appeal with the Superior Court and assist in perfecting the appeal to the Superior Court. While most appeals filed in the Superior Court are RALJ cases, not all appeals fall into this category. RALJ 1.1 outlines the appeals process pursuant to RALJ.

C. (4C.54) Appeal of Administrative Law Reviews (ALR)

Petitions for Judicial Review should be filed with the Superior Court within the applicable statutory time limits. Make arrangements with the agency to have the numbered and counted certified Administrative Record (including transcripts) filed with the Superior Court. Administrative Records, which are not properly numbered or counted, will be returned unfiled. Per Clark County LCR 79(d)(3)(C), when the case is completed, the Administrative Record will be returned to the agency certifying it to the court.

VIII. (4C.55) TRIALS

The Clerk's Judicial Proceedings Specialist has three main interactions with attorneys during a trial: identification of witnesses, acceptance, identification and return of exhibits and filing of documents.

A. (4C.56) Identification of Witnesses

It is helpful to the court, the judicial assistant (who is logging the official record) and the Clerk's Judicial Proceedings Specialist when attorneys file a Witness List either before trial begins or at the beginning of the trial. This list provides correct spellings of names for the record and gives some indication of how many witnesses are expected. The court uses these lists during general voir dire to determine whether potential jurors know any of the witnesses.

B. (4C.57) Exhibits

The Clerk's Judicial Proceedings Specialist who is assigned to the hearing or trial may contact the attorney of record a few days before a major hearing or trial regarding the exhibits. Some judges require all exhibits to be marked and agreed upon before the trial or hearing begins. For this reason, the Clerk's Judicial Proceedings Specialist would appreciate knowing how many exhibits to expect. If more than 20 exhibits will be offered for a trial or hearing, it is helpful for the Clerk's Judicial Proceedings Specialist to have them one to two days prior to the hearing or trial so that they are properly marked. Additionally, an exhibit list can be prepared for use by the judge and counsel from the beginning of the hearing or trial. This makes it easier for everyone to properly refer to exhibits on the record.

Whenever possible, exhibits should be submitted on 8-1/2" x 11" paper. This will allow for easier handling and storage by the Clerk's Office. If larger maps or diagrams are needed, a larger version may be shown in court for purpose of demonstration, with the smaller version marked as the exhibit for use by the jury. An alternative would be to attach the map or diagram to a corrugated white board with clips. After the hearing or

trial, the exhibit can be taken off the white board and folded for storage or use by the jury.

C. (4C.58) Designation of Exhibits

After exhibits have been offered, they will not be returned to counsel unless (1) counsel first obtains a court Order to withdraw the exhibits through the Clerk's Office, and it has been determined that the case will not be appealed, or (2) the court orders, during or at the conclusion of the trial, that counsel be permitted to withdraw an exhibit. All exhibits used during trial will be numbered consecutively, beginning with number 1, whether Plaintiff's or Defendant's. The Clerk prefers that designations such as 1a, 1b, etc. be avoided. When exhibits have already been marked in a case and additional exhibits are marked, the numbering of the exhibits continues from the last number used.

In a de novo case, the exhibits will be renumbered starting with number 1, after they have been withdrawn from the records of the previous trial.

D. (4C.59) Identification of Exhibits

An exhibit must be identified by the witness, to the satisfaction of the court, before it can be admitted, unless identification is waived by opposing counsel. No record is made by the Clerk's Judicial Proceedings Specialist until such an item is marked and admitted by the court.

An item may be marked for identification, identified by a witness, but never offered as an exhibit by counsel. In such cases, the Clerk's Judicial Proceedings Specialist is the custodian of the items only until the conclusion of the trial, unless otherwise directed by the court.

Under no circumstances, except by court order, should filed documents be marked as exhibits. Copies may be used (certified copies are preferred).

E. (4C.60) GR 20. Security in Handling Court Exhibits:

1. (4C.61) Hazardous, Valuable, and Bulky Exhibits.

Upon petition of the Clerk or any party and order of the court, a hazardous exhibit, money, an item of negotiable value, or an item deemed to be excessively bulky; may be admitted and then withdrawn upon the substitution of photograph(s), videotape(s), samples or other facsimile representations as provided by the order. The photograph(s), videotape(s), samples or other facsimile representations may be used to demonstrate the existence, quantity, and physical characteristic of the evidence. The order shall direct the disposition of the original evidence and shall state whether the evidence shall be further documented by a descriptive certificate issued by an authorized agency.

2. (4C.62) Controlled Substances.

When controlled substances or samples thereof are presented in court, such items shall be presented under sealed evidence tape in containers whose labels describe their contents. Sealed controlled substances presented as exhibits shall be unsealed in open court and, upon completion of the action for which unsealing was ordered, the item shall be sealed again.

3. (4C.63) Original exhibit.

When a photograph, videotape, or other facsimile representation is substituted, the original exhibit must be retained by the presenting party or agency until at least sixty (60) days following case completion and must produce the original exhibit upon the court's direction. Case completion is defined as the date of filing of the judgment of acquittal, final judgment, or dismissal, or the date the judgment becomes final after appeal.

4. (4C.64) Appeal.

Exhibits handled under these rules shall have the same standing for purposes of appeal as would the original exhibits.

5. (4C.65) Hazardous exhibits.

For purposes of this rule, "hazardous exhibit" means an exhibit that unreasonably threatens the health and safety of persons handling the exhibit, including exhibits having potentially toxic, explosive, or disease-carrying characteristics. Non-exclusive examples of hazardous exhibits include firearms, knives and other weapons, live ammunition, controlled substances, bodily fluid samples, and bloody clothing.

F. (4C.66) Receipt for Exhibits and Stipulation and Order for Return and/or Destruction of Exhibits

If, at the end of a hearing or trial, there are exhibits that were marked for identification, but not offered as exhibits or exhibits that were withdrawn, the attorneys will be asked by the Clerk's Judicial Proceedings Specialist to sign a Receipt for Exhibits form. This form identifies which exhibits were returned and are no longer in the possession of the Clerk's Office.

If exhibits were offered by either attorney during the hearing or trial, the Clerk's Judicial Proceedings Specialist will ask the attorneys to sign a Stipulation and Order for Return and/or Destruction of Exhibits. This form asks the attorney to indicate whether the exhibits offered should be returned or destroyed after the final disposition of the case. Per Clark County LCR 79(d)(1)(F), within sixty (60) days after the final disposition of any cause, including all appellate processes, each party shall withdraw all exhibits offered by such party and give the clerk a receipt therefore. In the event a party shall fail to withdraw the exhibits within such time, the clerk is authorized to destroy the same after thirty (30) days from the mailing to a party of notice of intent to destroy exhibits.

G. (4C.67) Documents Filed During Trial

If all documents pertaining to the trial are filed directly with the Clerk's Judicial Proceedings Specialist, it is easier to keep the record sequential. The Clerk's Judicial Proceedings Specialist typically keeps all of the documents filed in court available for the court until the end of trial, when all of them are filed sequentially. If some documents are filed with the office, then that sequential order becomes confused. This is especially important during longer or more complex trials.

Proposed Instructions to the Jury should be filed with the Clerk's Judicial Proceedings Specialist as soon as possible, preferably at the beginning of the trial. The judge appreciates having them available so that they can be reviewed during the trial and ready for discussion as soon as testimony has been completed.

The Clerk's Judicial Proceedings Specialist will file one copy with Washington Pattern Instruction Codes (WPICs) for the record. The judge needs one copy with WPICs and one copy without WPICs. The copy without WPICs will be used to form the Court's Instructions to the Jury, which will also be filed for the record. If the case involves a large number of Instructions or you anticipate disputes which may require changes or compromises on the Instructions, it would be helpful to bring the Instructions on a CD. This makes it much easier for the Judicial Assistant to make those changes for the court and shortens delays during the trial.

Per CR 5(i) and CR 78(d), depositions upon oral examination shall not be filed with the court unless for use in a proceeding or trial or on order of the court. Depositions that are published are included in the permanent file and are public records. The Clerk's Office would prefer not to file depositions as part of the case file, if at all possible, as they contain a large number of pages and sometimes become an entire volume of the case. Alternatives to publishing include: on agreement of counsel or by court ruling, using the deposition as an exhibit for purpose of illustration only (the sections of the deposition that are being referenced become part of the legal record as the questions are asked and answered in court); on agreement of counsel or court ruling, designating pertinent sections of the deposition to be published and filed.

IX. (4C.68) FOREIGN DEPOSITIONS

When it is necessary to depose an out of state individual on a Clark County case, a Subpoena may be secured according to the laws of such state. Normally, a Commission from Clark County is needed to allow the foreign deposition to issue. Copyrighted forms were published in the Washington Legal Support Staff bulletin, The Journal, (1999).

A. (4C.69) Foreign Depositions for Local Actions

These pleadings are used in an existing Clark County case when out-of-state depositions are needed. A new action will be filed in another state. CR 45(d)(3) The following pleadings are normally filed or presented ex parte to request a deposition out-of-state, using the Clark County case number:

- Petition (or Motion and Declaration) for Commission to Take Out-of-State Deposition (original + one copy to conform).
- Notice of Taking Deposition outside of state (original + one copy).
- Notice of Issue (unless submitted to Clerk's Office for ex parte presentation).
- Clark County fees: ex parte fee (\$20.00 if submitted to Clerk for ex parte presentation) and fee for a certified copy of the Commission and Order.
- Order Granting Commission to Take Deposition Out of State (original + one copy).

Note: if the Clerk is directed to issue the Commission, include the statement "CLERK'S ACTION REQUIRED"

- Commission to Take Deposition Outside the State of Washington (original + one copy).
- Preaddressed, stamped envelope and extra copies to return as conformed copies (if submitted to Clerk for ex parte presentation).

B. (4C.70) Local Depositions for Foreign Action

These pleadings are used in an existing out-of-state case when Clark County depositions are needed. A new action will be filed in Clark County. CR 45(d)(4) In the event a

Subpoena is needed from the Clark County Superior Court for an out-of-state case, the following is submitted:

- Petition with authorities for an Order to Issue directing issuance of a Deposition Subpoena (original + one copy to conform).
- Certified copy of Commission to Take an Out-of-State Deposition issued by the initiating court, along with all the paperwork from the other court granting the Commission, which may include: Notice of Taking Deposition Out-of-State; Order that a Commission issue to take an out-of-state deposition; Commission to take an Out-of-State Deposition.
- Letter to Assigned Judge showing authorities, if authorities are not included in the Petition.
- Clark County fees: filing fee (\$200.00); ex parte fee (\$20.00, if request is made by mail) and Subpoena issuance fee (\$20.00).
- Proposed Order Directing Clerk to Issue Deposition Subpoena with notation of "CLERK'S ACTION REQUIRED" (original + one copy).
- Proposed Deposition Subpoena directed to the individual with a signature block to be signed by the Clerk (original + two copies).
- Preaddressed, stamped envelope and extra copies to return as conformed copies (if request is made by mail).

X. (4C.71) UNLAWFUL DETAINERS

Sometimes, in an unlawful detainer action, the filing of the action alone is enough to achieve the relief requested, i.e., payment of overdue rent or eviction of the tenant. Therefore, the initial filing fee is reduced to \$45.00. However, if the defendant chooses to answer the Complaint or it is necessary to proceed with an Order to Show Cause, the plaintiff must pay the additional \$112.00 toward the \$157.00 filing fee. This remaining portion of the filing fee must be paid prior to proceeding with the unlawful detainer action. However, the plaintiff can proceed to judgment, if there has been no answer from the defendant, without paying the additional \$112.00. If any orders are to be signed thereafter (such as a Judgment on Answer of Garnishment or a Supplemental Proceedings Order), the balance of any unpaid filing fee becomes due.

XI. (4C.72) MANDATORY SETTLEMENT CONFERENCES

According to Clark County LR 40 (6), all cases involving dissolution of marriage or legal separation, except those meeting the requirements for accelerated setting, will be scheduled for a mandatory settlement conference following the filing of a Notice to Set for Trial. No case subject to this section will be set for trial without a pre-trial settlement conference being held unless a judicial waiver is obtained.

The rule also states in Section (A), "each party must complete the Pre-Trial Domestic Relations Settlement Conference Affidavit on the form available from the Superior Court Administrator. The original must be filed with the Superior Court Clerk and a copy served on the opposing attorney or party, if not represented by an attorney, no later than 4:00 p.m. one week prior to the scheduled conference. "

"At the same time, a copy of the Affidavit, to be used by the judge or commissioner conducting the conference, must be filed with the Superior Court Administrator. Failure to file and serve the Affidavit one week prior to the conference shall subject the person failing to do so to an assessment of not less than \$50.00, and up to \$150.00. Failure to appear at the conference may subject a party or attorney to additional sanctions."

XII. (4C.73) PROBATE

A Guardianship case or a Will Only case can be migrated into an estate case upon the death of a party by payment of a \$200.00 filing fee. The case number assigned to the original file would remain the same. The original Will should be filed, if the estate is testate. The amount of the bond should be stated in the Order Admitting the Will and/or Appointing a Personal Representative per RCW 11.28.185. The Oath must be notarized.

Letters Testamentary will be issued upon the filing of the Order and Oath of Personal Representative. The Letters Testamentary may be requested and received through a messenger service or by mail. Copies of Letters Testamentary are \$2.00 per RCW 36.18.016(9).

XIII. (4C.74) GUARDIANSHIPS

Notice of Appointment of Guardian must be personally served upon the alleged incapacitated person and guardian ad litem, along with a copy of the Petition for Appointment of Guardian not more than five (5) days after the Petition has been filed.

A Personal Care Plan and an Inventory must be filed with the court within three (3) months of the appointment of guardian ad litem. An updated Personal Care Plan and annual reports must be filed with the Court annually, within ninety (90) days of each anniversary of appointment as Guardian. A full and final accounting must be filed within thirty (30) days of the termination of Guardianship.

Our Guardianship Monitoring Program, staffed by volunteers and a deputy clerk, reviews guardianship cases for compliance with these requirements. They prepare reports for the court, send reminder notices and answer questions for attorneys and the public.

XIV. (4C.75) RESOURCES

Washington Courts Website

Contains statewide pattern forms, case number and name search and a knowledge base of helpful information at www.courts.wa.gov.

Clark County Website

Contains information about all the county courts; court holidays; forms available for filing; domestic violence video in English, Spanish, Russian and captioned in English and Spanish; links to other courts, services, county resources and newspapers; information regarding interpreter service and contact information for court employees and services. Available at www.clark.wa.gov/courts

County Clerk's Website

Contains daily dockets; the fee schedule; Motion Docket and Family Law Docket schedules and information regarding services, programs and file locations. Available at: www.clark.wa.gov/courts/clerk/

RCWs and WACs

Available on the Washington Courts website at www.courts.wa.gov or the on the state government website at www.access.wa.gov

Local Court Rules

Local Court Rules are available on the Superior Court website at: www.clark.wa.gov/courts/documents/2005%20SC%20Local%20Rules.pdf

Law Library

The Clark County Law Library is located on the first floor of the courthouse. Hours are 10:00 am to 4:00 pm on Monday through Friday. Note: the law library does not open until 1:00 pm on the fourth Thursday of each month due to a Library Board Meeting. Available at www.clark.wa.gov/law-library/