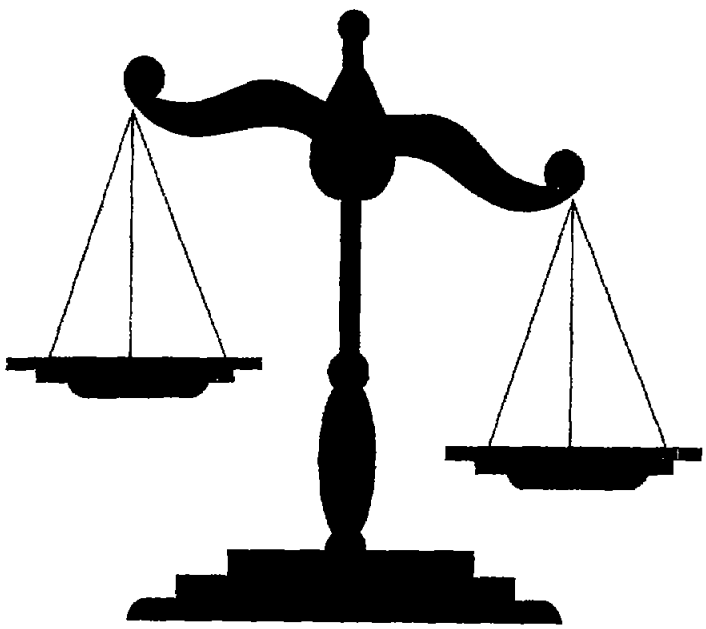
Superior Court
of
Clark County, Washington

LOCAL RULES



Including Amendments Adopted

Through September 1, 2002

LOCAL RULES OF THE SUPERIOR COURT FOR CLARK COUNTY

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LOCAL RULES OF THE SUPERIOR COURT FOR CLARK COUNTY

Originally Effective January 1, 1987

Pursuant to Rule 83 of the Civil Rules for Superior Court, the following rules are hereby adopted by the Superior Court of Clark County, Washington, to be in effect after January 1, 1987, superseding all former rules and special rules.

SCOPE OF RULES

These rules are assembled to conform with the requirements of CR 83. Each rule is given the CR number, section or subsection which most clearly deals with the same subsection. These rules are supplemental to the State rules and are not to be construed in derogation thereof. Numerical omissions indicate that there are no local rules on this subject.

I. ADMINISTRATIVE RULES
RULE 0.1. DEPARTMENTS, SENIORITY AND MANAGEMENT

(a) Departments. The Superior Court for Clark County shall be divided into as many individual numbered departments as there are judges authorized by law. Each judge in the order of seniority shall select an unassigned courtroom.

(b) Seniority. Seniority shall be established by the length of continuous service as a judge of the Superior Court. In the event two or more judges have equal length of service, their seniority shall be determined by lot.

(c) Assignments. The assignment of courtrooms, whenever necessary, shall be incorporated into an order signed by the Presiding Judge and filed with the Clerk of the Court. [Amended effective September 1, 2002]

RULE 0.2. COURT MANAGEMENT AND ORGANIZATION

(a) Authorities. The authority to manage and conduct the court shall be vested in:

(1) The Superior Court Judges through regular monthly or special meetings of a majority of the Judges;

(2) The Presiding Judge and the Assistant Presiding Judge in the interim between meetings of the Judges. [Amended effective September 1, 2002]

(b) Duties and Responsibilities.

(1) The Judges, en banc, have final authority over any matters pertaining to court organization and operation and over any individual or committee of the court [Amended effective September 1, 2002]

(2) Decisions made between meetings of the judges and particularly matters of policy affecting the court and its operation, shall be presented to the judges at the next meeting by the Presiding Judge for approval, ratification, modification or rejection. [Amended effective September 1, 2002]

(3) The Presiding Judge and Assistant Presiding Judge shall be elected by a majority vote of the Court's Judges for a term not to exceed two years and shall perform all duties of the position required by General Rule 29 (f). [Amended effective September 1, 2002]

(c) Judicial Assistants and Reporters. Judicial Assistants and reporters are subject to the direct supervision and authority of the department to which they are assigned. [Amended effective September 1, 2000]

(1) Judicial Assistants shall attend to the affairs of the court from 8:00 a.m. to 5:00 p.m daily unless otherwise ordered by the court or required by court duties. [Amended effective September 1, 2000]

(2) Reporters shall be in attendance from 8.00 a.m until 5:00 p m. daily unless otherwise ordered by the court. [Amended effective September 1, 1996]

(d) Court Commissioners. Full-time Court Commissioners appointed pursuant to RCW 2.24.010 are authorized to perform all of the duties authorized by RCW 2.24.040. [Adopted effective September 1, 2000]

RULE 0.2.5 COURT ADMINISTRATOR

(a) Selection. The court administrator shall be appointed by a majority of all of the judges and shall serve at the pleasure of the appointing authority under the direction and supervision of the Senior Judge.

(b) Powers and Duties. The powers and duties of the court administrator include but are not limited to the following:

(1) Administrative. Administrative control of all non-judicial activities of the court.

(2) Policies. Implement all policies regarding judicial functions of the court.

(3) Supervisory. Supervision of all court employees, except commissioners, juvenile court employees and departmental employees.

(4) Budgetary. Preparation and administration of the budget.

(5) Representative. Representation of the court in dealings with the State Court Administrator.

(6) Assist. Assist the Presiding Judge in meeting with representatives of governmental bodies, and other public and private groups regarding court management matters. [Amended effective September 1, 2002]

(7) Agenda Preparation. Prepare the agenda for judges' meetings and act as recording secretary at those meetings and at committee meetings where the administrator's presence would be reasonable and productive.

(8) Record Preparation and Maintenance. Prepare reports and compile statistics as required by the judges or state court administration and maintain records of informal activities of the court

(9) Recommendations. Make recommendations to the judges for the improvement of the administration of the court. [Amended effective September 1, 1996]

RULE 0.3. CASE ASSIGNMENT AND DOCKETS

(a) Case Assignment. All criminal and civil cases shall be specifically assigned by department in a random manner to assure even distribution between the departments. Each department shall be responsible for all cases assigned to it and shall hear all matters pertaining thereto except as set forth below in paragraph (B). This rule shall not preclude the transfer of cases, trials, or preliminary matters between departments when in the interest of administration of justice it may be necessary or when necessitated by disqualification of a judge as provided for by law or court rule.

(b) Criminal Judge. A criminal judge shall be designated on a rotating basis to hear criminal proceedings for all departments except trials and trial related matters, suppression motion and CrR 3.5 hearings. The criminal judge shall be designated on a rotating basis in accordance with a published rotation schedule.

(1) A criminal first appearance hearing shall be conducted daily by the criminal judge or designated commissioner at a regularly designated time. All persons arrested prior to midnight shall be brought before the criminal judge for consideration of right to counsel if one has not previously been made available under CrR 3.1, pre-trial release under CrR 3.2, advice as to charges filed or to be filed, and for scheduling of arraignment and further proceedings. [Amended effective September 1, 2000]

(c) Schedule. Judges will schedule events and trials in accordance with the published judicial calendar and judge rotation schedule.

(1) Contempt matters shall be cited on the civil calendar of the judge issuing the order.

(2) The weekly temporary orders/show cause docket scheduled for the Court Commissioner is restricted to new domestic cases and matters he has previously heard. Enforcement of decrees or orders made by judges of the Superior Court or modifications thereof will be heard by the assigned judge.

(d) Calendars. Calendars shall be prepared under the direction of the Court Administrator to reflect the departments in which the various matters are to be heard, the subject involved, and the times.

(e) Jury Sessions. There shall be jury sessions each month of the year for each department. The method to be employed in obtaining the required number of jurors shall be in accordance with RCW 2.36.054 utilizing the electronic data processing random selection provided for in RCW 2.36.063 et seq.

RULE 0.4. GENERAL

(a) Attire of Counsel and Litigants. All attorneys appearing before the court or in chambers shall be attired in a manner that is consistent with the current generally prevailing and accepted business attire for professional men and women in the local community Male attorneys shall wear coats and ties. Female attorneys shall wear dresses, pants suit or jacket and slacks. Any attire that is distracting or detrimental to the seriousness of the proceedings or disruptive of decorum should be avoided. Counsel are responsible for informing litigants that they should wear clean and neat appearing clothing, and to avoid such items as sandals, clogs, sport togs, sweatshirts, tee-shirts, body-exposing garments or anything that contains emblazoned figures or words

RULE 0.5. JUVENILE DEPARTMENT

(a) Judges. There shall be a juvenile department of the Superior Court wherein shall be heard all matters arising under the juvenile laws. Each judge is designated as a Juvenile Court judge.

(b) Director. The department shall be administered by the Director of Juvenile Court Services appointed by the judges. The judicial responsibilities of this department may be assigned to a Juvenile Court Commissioner as determined by a majority of the Superior Court judges.

(c) Jurisdiction. The Juvenile Court of Clark County shall decline original jurisdiction for all traffic offenses and infractions for all juveniles 16 years and older except those offenses which are felonies. Jurisdiction for all offenses affected by the adoption of this rule shall be the appropriate district justice court, municipal court or police court.

RULE 0.6. FAMILY COURT

(a) Authority. Each Superior Court judge is designated as a judge of the Family Court. Matters affecting the welfare of minor children may also be heard by the Court Commissioner.

(b) Petition. When a controversy exists between parties that may affect the welfare of minor children, either party may petition the court (using Form No. DR-001) for the purpose of investigating the welfare of the minor children and the relevant factors for determining custody, visitation rights or modifications of either.

(c) Preliminary Determinations. The court shall make a preliminary determination of the necessity for Family Court Services based upon the petition and supporting documents on the family law motion calendar before any matter is referred. Only cases where material facts are alleged that circumstances affecting the welfare of the minor children exist will be referred for Family Court services.

(d) Additional Documents Required. When a matter is referred to Family Court Services, each party shall fully complete and submit prior to the interview the following:

(1) Family Information Statement (Form No. DR-002)

(2) Financial Statement (Form No. DR-003)

Appropriate consent(s) to release of information shall be executed upon request of the Family Court Coordinator.

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

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

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

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

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

(g) Professional Services/Report. When the parties are referred for family professional services, a final report shall be submitted to the court and counsel (parties) by Family Court Services, attaching reports and other information obtained concerning the welfare of the children, custody, visitation, and related issues.

(h) Costs. The court may assess each party up to $150.00 for the cost of professional services if initially provided at public expense due to economic hardship.

(i) Suggested Visitation Schedule. In order to facilitate reasonable resolution of visitation disputes, the parties should consider the following guide which the court would be inclined to accept as reasonable in most cases:

The children should reside with the primary residential parent, except the children should reside with the non-residential parent pursuant to the following schedule:

(1) Weekends. Alternating weekends from 6:00 p.m. Friday until 6.00 p.m. Sunday.

(2) Summers. Six weeks during the summer, commencing one week after school is out in even-numbered years and commencing seven weeks before the start of school in odd-numbered years (during which time the residential parent should have residential time with the child on an alternating weekend basis as set forth above).

(3) Winter holidays. In odd-numbered years (whether or not the children are in school, as calculated by the local school year calendar), winter holiday time beginning at 6:00 p.m. on the day school recesses and continuing until December 24th at 8:00 p.m.; in even-numbered years, December 24th from 8:00 p.m. and continuing until 6:00 p.m. the day before school commences.

(4) Spring holiday Alternating spring vacations (whether or not the children are in school, as calculated by the local school year calendar). The non-residential parent should have the children in even-numbered years, not to interrupt the weekend schedule set forth above.

(5) Other holidays. The children should spend Independence Day and Thanksgiving with the residential parent in even-numbered years. The children should spend Independence Day and Thanksgiving with the non-residential parent in odd-numbered years. Thanksgiving should be defined as commencing at 6:00 p.m. the Wednesday before Thanksgiving Day, and continuing until 6:00 p.m. the Sunday immediately following the holiday. Monday holidays shall be spent with the parent having residential time over the preceding weekend. [Amended effective May 12, 1993]

RULE 0.7. DOMESTIC VIOLENCE PETITIONS

(a) Filing. The clerk may refer a petitioner to either the District Court or Superior Court for issuance of an ex parte temporary order for protection pursuant to RCW 26.50.070. All hearings for an order for protection issued pursuant to RCW 26.50.060 shall be scheduled before the Superior Court Commissioner in accordance with the court's published schedule.

(b) Pending domestic violence criminal cases are outside the scope of domestic relations settlement conferences. Parties will not be permitted to attempt to negotiate criminal cases or make settlement offers contingent upon the alleged victim's position in a pending criminal case, and parties will not be allowed to include pending criminal charges as part of the settlement conference agreement. Any party who makes a settlement offer contingent upon the alleged victim's input, position, etc , in a pending criminal case, or otherwise attempts to negotiate a criminal case in the context of a domestic relations settlement conference, will be considered to be acting in bad faith, and terms will be assessed. [Amended effective June 27, 1995]

RULE 0.8. CIVIL BENCH WARRANT

(a) Identification of Arrestee. Any person requesting a civil warrant of arrest shall provide the following information, if known, on the face of the warrant: full name, date of birth, social security number, height, weight, race, gender, eye color, hair color, and last known address. [Adopted effective September 1, 1991]

(b) Affidavits in Support of Warrant. An affidavit, stating the reason(s) for the issuance of a warrant, shall be provided to the issuing Judicial Officer at the time the warrant is requested. [Adopted effective September 1, 2002]

II. CIVIL RULES

RULE 4.1 DISSOLUTION OF MARRIAGE, MODIFICATIONS, ETC.

(a) Cases in which Declaration Accepted. A declaration will be accepted in lieu of

testimony in cases in which parties have stipulated to entry or in default cases in which the relief requested is the same as the relief requested in the Petition for dissolution. In those cases in which the relief requested is different or more specific than the original petition, and the respondent has defaulted, the party requesting relief which varies from the petition must appear on the Dissolution Docket and present testimony in support of the request, with a decision to be made by the judge or commissioner.

(b) Time of Declaration. The declaration in lieu of testimony must be made after the expiration of the ninety (90) day period.

(c) Contents of Declaration. The declaration must be in substantially the same form as the Declaration in Support of Entry of Decree of Dissolution. The declaration must include the certification of attorney. [Amended effective May 19, 1993]

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

(e) Child Support. The Judges of Clark County hereby adopt the child support economic table at RCW 26.19.020 for use in temporary and permanent support orders on and after September 1, 1991. [Amended effective September 1, 1996]

(f) Standards and Worksheets. Prior to hearing an application for any support or maintenance, the parties shall prepare, serve and file applicable worksheets in accordance with RCW 26.19 taking into consideration the standards for determination of child support as published by the Washington State Child Support Commission. [Amended effective September 1, 1996]

(g) Scope of Hearings. A show cause order or citation may include notice of hearing all pendente lite relief sought by the applicant. All temporary hearings shall be heard only on affidavit unless otherwise ordered by the court. Supporting affidavits shall be limited to 4 per party excluding affidavits from expert witnesses. Affidavits from parties shall not exceed 6 pages and supplemental affidavits shall not exceed 2 pages. All affidavits and declarations shall be typewritten and double spaced. [Amended effective September 1, 1996]

(h) Modification Proceedings.

(1) Procedure.

(A) Requests for modification under RCW Chapter 26, initiated by summons and petition, shall be served on the other party by personal service, or as otherwise provided

in CR 4, or as to actions pursuant to RCW 26.09.175, as provided in RCW 26.09.175(2). Service shall be required twenty (20) days prior to hearing or sixty (60) days if served out of state. [Amended effective September 12, 1989, October 6, 1989]

(2) Custody Matters. Preliminary ex-parte requests for order to show cause or for immediate temporary custody will be denied except in extraordinary circumstances See RCW 26.09.270. Responsive affidavits must be served and filed at least 5 days prior to the threshold hearing on the Motion/Petition. "Controverting" affidavits are unnecessary.

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

RULE 6. POLICY RE: FILING TIMES/DATES

(d) For a Friday docket, affidavits must be served and filed with the clerk not later then 4:30 p.m. on Wednesday; for a Wednesday docket, affidavits must be served not later then 4:30 p.m. on Monday. Courtesy copies of affidavits must be provided to the judicial officer hearing the matter consistent with the above time frames. [Amended effective September 1, 1996]

RULE 7. PLEADINGS

(b) Motions and Other Papers.

(1) How made.

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

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

RULE 10. FORM OF PLEADINGS

(e) Format Recommendations.

(3) Bottom Notation.

(A) 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]

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

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

RULE 11. SIGNING OF PLEADINGS

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

RULE 26. GENERAL PROVISIONS

(b) (4) [Trial Preparation: Experts.] [Rescinded effective March 30, 1989]

RULE 38. DEMAND FOR JURY

(b) (1) Non-arbitration cases. Except for cases submitted for arbitration, failure to demand a jury (and pay the required fee) within 30 days of the filing of the Notice to Set for Trial or the Response will be deemed a wavier of the right to a jury trial. The time period may be extended by court order.

(b) (2) Arbitration cases. In the event a trial de novo is requested under MAR 7 1, the parties must file a Notice to Set for Trial with the request for trial de novo and demand jury pursuant to (b)(1) above. [Amended effective September 1, 1996]

RULE 40. ASSIGNMENT OF CASES

(b) Methods - Civil Cases.

(1) Notice to Set for Trial. An attorney desiring to place a case on the trial readiness calendar shall file a "Notice to Set for Trial" on a form prescribed by the court.

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

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

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

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

(6) Mandatory Settlement Conferences. All cases involving dissolution of marriage or modification of prior decrees, except those meeting the requirements for accelerated setting (see Notice form) 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 first being held unless a judicial waiver is obtained.
[Amended effective September 1, 1996]

(A) Settlement Conference Affidavit. 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. [Amended effective September 1, 2000]

(c) Preferences.

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

RULE 45. SUBPOENA

(a) Use of Subpoenas Duces Tecum.

(1) Compliance with Civil 45. This Rule does not apply to subpoenas duces tecum issued pursuant to Civil Rule 45 unless specifically prohibited herein

(2) Subpoenas duces tecum issued for purposes other than to compel production of documents for trial or deposition. Except upon express written consent of all parties or prior order of the court issued after notice, no party may issue a subpoena duces tecum which compels a person to produce any documents or records unless the production of such documents or records shall occur not earlier than 10 days after a copy of such subpoena duces tecum has been served upon all parties and upon the person being subpoenaed.

Upon notice of any such subpoena, any party may petition the court for a protective order quashing such subpoena duces tecum, modifying such subpoena duces tecum, and for any other appropriate relief under Civil Rules 26 and 45.

(3) Sanctions. Violation of this rule may lead to exclusion of evidence and sanctions, including, but not limited to, relief pursuant to Civil Rules 26 and 37, contempt, and such other remedies as the court may deem appropriate. [Amended effective September 1, 1997]

RULE 47. JURORS

(a) Examination of Jurors.

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

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

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

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

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

(2) Juror questionnaires may not be removed from or viewed outside the office of the Superior Court Administrator or the courtrooms of the Superior or District Courts without the express approval of the trial judge. [Amended effective September 1, 1996]

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

RULE 52. DECISIONS, FINDINGS, CONCLUSIONS

(c) Presentation.

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

RULE 53.2 MOTIONS FOR REVISION OF A COMMISSIONER'S ORDER

(a) A motion for revision of a Commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least 5 days notice, excluding weekends and legal holidays, of the time, date and place of the hearing on the motion for revision. The motion shall specify the error claimed.

(b) The party seeking revision of a Commissioner's order shall schedule the motion for hearing on the assigned Judge's Civil Motion Docket to be heard within 21 days of entry of the Commissioner's order unless the Judge orders otherwise. Failure to schedule the hearing within 21 days shall result in dismissal of the motion.

(1) Motions for revision of a Commissioner's order shall be based on the written materials submitted or available to the Commissioner, including papers and pleadings in the court file, as provided in RCW 2.24.050. The standard of review shall be *de novo* if the record does not include live testimony. Oral arguments on motions to revise shall be limited to 5 minutes per side. No additional affidavits or other non-brief materials shall be filed. If a brief or

memorandum of law was filed by a party before the Commissioner, no new brief or memorandum shall be submitted by that party on the motion for revision.

(2) With the exception of juvenile criminal cases, the filing of a motion for revision does not automatically stay the Commissioner's order, and the order shall remain in force unless a separate motion is made and an order staying the Commissioner's order is granted by the assigned Judge or the Commissioner who signed the order.

(3) The party seeking revision shall, at least 5 days before the hearing, deliver to the assigned Judge the motion, notice of hearing and copies of all papers submitted by all parties to the Commissioner.

(4) For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.
[Amended effective September 1, 2000]

RULE 56. SUMMARY JUDGMENT

(c) Motion and Proceedings

(1) Confirmation Process. In the event a motion for summary judgement is to be argued, counsel must notify the assigned department, in person or by telephone, by 4:30 p.m. two court days prior to the hearing; otherwise, the matter will be stricken. If no opposition is anticipated, the assigned Judge should be so informed.
[Amended effective September 1, 1996]

RULE 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(b) Time for motions; contents of motions. A motion for new trial or reconsideration shall be served and filed not later than 10 days after the entry of the judgment or order in question. The opposing party shall have 10 days after service of such motion to file and serve a response, if necessary. No reply will be permitted. The moving party shall provide copies of the motion (and response, if any) to the Judge. No oral argument shall be permitted without express approval of the court. The court shall issue a written ruling on the motion.
[Adopted effective September 1, 2001]

RULE 77. SUPERIOR COURT AND JUDICIAL OFFICERS

(c) Powers of Judicial Officers.

(5) Powers of Judges of Superior Courts.

(A) Chief Administrative Judge. There shall be a chief administrative judge of the court who shall be designated to serve for such time as designated by the judges thereof.

(i) The chief administrative judge shall preside when the judges meet en banc, and shall receive and dispose of all communications intended for the Superior Court but not personally addressed to any department or relating to the business which has been assigned to any department or designated as the responsibility of the chief administrative judge.

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

(iii) Applications for emergency or temporary orders or writs shall be made to the assigned judge when available. If unavailable, they may be signed by any other judge.

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

(10) Change of Judge.

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

(f) Sessions.

(1) Court Hours. The courts will be in session on all judicial days, except Saturday and Sunday. Trials will be conducted from 9:00 a.m. until 12:00 noon and from 1:30 p.m. to 4:30 p.m. unless otherwise ordered.

(h) Summer Recess.

(1) Local Calendar. Criminal cases shall be tried during each month of the year. Civil jury and non-jury cases may be tried during the months of July and August.

(k) Motion Day.

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

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

(3) Order of Hearing and Argument Under the Rule. The judge shall determine the order in which the various matters docketed shall be heard. Temporary support orders shall be presented upon affidavit; however, the court may call for testimony to clarify discrepancies. Matters requiring argument may be placed at the bottom of the docket by the judge. In no event will testimony be taken on the motion docket unless notice of intent to do so is given the opposing party and the concurrence of the court is obtained. See also Rule 94.04.

RULE 79. BOOKS AND RECORDS KEPT BY CLERK

(d) Other Books and Records of Clerk.

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

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

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

(C) Original Court Record-Copies. Whenever there is presented to the clerk for filing in a cause any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made a part of the file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court, except to the parties or their attorneys of record.

(3) Same, Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing

(4) Withdrawal of Files and Exhibits.

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

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

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:

(i) The judge having the cause under consideration;

(ii) Official court reporter, without court order for use in connection with their duties.

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel.

(iv) The clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the clerk against original receipts. The clerk shall keep all receipts for such exhibits for the period of three years from date of receipt.

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

(E) Exhibits; Withdrawal and Disposition. Within ninety (90) days after the final disposition of any cause, including all appellate processes, each party shall withdraw all exhibits offered by such party and give the clerk a receipt therefore In the event a party shall fail to withdraw the exhibits within such time, the clerk is authorized to destroy the same after 15 days from the mailing to a party of notice of intent to destroy exhibits.

(i) Same, Drugs or Dangerous Items. When any controlled substances or dangerous items have been admitted in evidence or have been identified, and are being held by the clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs and/or dangerous items, to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly The clerk shall then deliver the drugs and/or dangerous items and take from the law enforcement agency a receipt which he shall file in the cause. He shall also file any certificate issued by an authorized federal or state agency and received by him showing the nature of such drugs.

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

(5) Sealed Files. The clerk shall not permit the examination of any sealed file except by order of the presiding judge or assigned judge.

RULE 80. COURT REPORTERS

Scope of Rule. The provisions of this rule shall apply to official court reporters and court reporters pro tempore.

General Reporting Requirements:

(1) Separate Civil and Criminal Notes. Court reporters shall keep separate notes for criminal and civil cases.

(2) Oral rulings and decisions. Oral rulings and decisions by the judge of any department which are transcribed for any purpose shall first be submitted to the judge for approval before delivery of the final copy. A final copy shall be furnished to the judge for his file.

III. MANDATORY ARBITRATION RULES (LMAR)
I. SCOPE AND PURPOSE OF RULES
RULE 1.1 APPLICATION OF RULE - DEFINITION

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

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

RULE 1.2 MATTERS SUBJECT TO ARBITRATION

(a) Amount. The amount of claims subject to arbitration shall not exceed $35,000.
[Amended effective June 19, 1990]

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR
RULE 2.1 TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. In every civil case the party filing the Notice to Set for Trial provided by Local Rule 40, shall, upon the form prescribed by the Court, complete a Statement of Arbitrability.

(b) Response to Statement of Arbitrability. Within 14 days after the Notice to Set for Trial/Statement of Arbitrability has been served and filed, any party disagreeing with the Statement of Arbitrability shall serve and file a Response to the Statement of Arbitrability on the form prescribed by the Court. In the absence of such response, the Statement of Arbitrability shall be deemed correct and the case shall be deemed arbitrable. If a party asserts that its claim exceeds $35,000 or seeks relief other than a money judgment, the case is not subject to arbitration except by stipulation.

(c) Failure to File - Amendments. A party failing to serve and file an original response within the time prescribed may later do so only upon leave of court. A party may amend the Statement of Arbitrability or Response at any time before assignment of an arbitrator or assignment of a trial date and thereafter only upon leave of Court for good cause shown.

RULE 2.3 ASSIGNMENT TO ARBITRATOR

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

this rule [Amended effective July, 1995]

(b) Response by Parties. Each party may, within 14 days after a list of proposed arbitrators is furnished to the parties, nominate up to three arbitrators and strike up to three arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will randomly appoint an arbitrator from among those not stricken by either party. [Amended November, 1997]

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

(d) No response. If neither party responds within 14 days, the Director will randomly appoint one of the seven proposed arbitrators. [Amended November, 1997]

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, all represented by different counsel, three additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge. [Amended July, 1995]

III. ARBITRATORS
RULE 3.1 QUALIFICATIONS

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

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

RULE 3.2 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(1) Determine the time, place and procedure to present a motion before the arbitrator. [Amended November, 1997]

(2) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2 24.050. If within 10 days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

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

V. HEARING
RULE 5.1 LOCATION OF HEARING

The arbitrator shall set the time, date and place of the hearing which shall be conducted at a location within Clark County. [Adopted effective September 1, 2002]

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

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

RULE 5.3 CONDUCT OF HEARING - WITNESSES - RULES OF EVIDENCE

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

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

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

(d) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with

MAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

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

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

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

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

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

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

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

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

VI. AWARD
RULE 6.1 FORM AND CONTENT OF AWARD

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

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

RULE 6.3 JUDGMENT ON AWARD

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

VII. TRIAL DE NOVO

RULE 7.1 REQUEST FOR TRIAL DE NOVO

The appealing party shall file and serve on the other party or parties a Notice to Set for Trial pursuant to Local Rule 40. [Amended effective September 1, 1996]

RULE 7.2 PROCEDURE AT TRIAL

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

VIII. GENERAL PROVISIONS

RULE 8.1 STIPULATION - EFFECT ON RELIEF GRANTED

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

RULE 8.3 EFFECTIVE DATE

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

RULE 8.4 TITLE AND CITATION

These rules are known and cited as the Clark County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

RULE 8.6 COMPENSATION OF ARBITRATOR

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

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

RULE 8.7 ADMINISTRATION

The Director, under the supervision of the Superior Court judges, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the judges.
[Adopted effective July 15, 1986]

IV. SPECIAL PROCEEDINGS RULES

RULE 92.04 SHOW CAUSE ORDER

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

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

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

RULE 98.08. ESTATES-PROBATE-ETC.

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

(2) Proof of Wills. In uncontested will proceedings, testimony in support of a will may be given in person or by deposition or by affidavit to which is attached the original or a facsimile of the will. RCW 11.20.020 (2). For other methods see RCW 11.20.140. It is necessary to present a certificate of testimony for the court's signature.

RULE 98.30. REASONABLENESS HEARINGS

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

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

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

(1) Notice of the reasonableness hearing;

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

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

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

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

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

V. CRIMINAL RULES
RULE 2.2 WAIVERS OF PROBABLE CAUSE

(c) Waivers of Probable Cause are presumed to be valid until challenged. A challenge to the waiver will trigger a new 48 hour period for the Prosecutor to establish Probable Case. [Amended September 1, 1996]

RULE 3.1. RIGHT TO AND ASSIGNMENT OF COUNSEL

(d) Assignment of Counsel.

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

RULE 3.4. PRESENCE OF THE DEFENDANT

(a) When Necessary.

(1) Defendant shall be present at all proceedings except omnibus when it is presented by stipulation or expressly waived.

RULE 4.5. OMNIBUS HEARING

(d) Motions. Motions for a CrR 3.5 Hearing and/or Suppression Hearing shall be set forth and filed separately from the omnibus application and stipulation and shall inform the court of the specific ground therefor. Briefs and authorities shall be supplied to the court and opposing counsel 2 days before the hearing.

(g) Stipulations.

(1) At or prior to the time set for omnibus hearing, the parties may file a written stipulation to the effect that all discovery requested by the other party has been supplied or will be provided not later than 10 days prior to trial and indicate thereon whether or not there are statements of the defendant which require a pre-trial hearing under CrR 3 5 and/or evidence which may require a pre-trial suppression hearing. The written stipulation will be accepted by the court provided it is signed by the prosecuting attorney, defense counsel and the defendant. The court may then set a time prior to trial or if deemed more expedient at the trial for hearing such matters as are requested hereunder.

RULE 7.12. PRESENTENCE INVESTIGATION

(b) Report.

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

(e) Reports to Be Sealed. Unless otherwise ordered by the court, the reports of the presentence investigation and other reports of a confidential nature presented at sentencing shall be sealed/confidential. [Amended effective September 1, 1997]

VI. MENTAL RULES
RULE 2.4 PROBABLE CAUSE HEARING

(c) Hearing. Upon filing of all necessary papers with the court by the mental health professional and notice to the court and prosecuting attorney that a probable cause hearing is to be held, the clerk will notify the court who will through the Clerk of Court schedule the hearing within 72 hours of the date and time of initial detention. The probable cause hearing will be at the facility where the person is detained.

VII. GUARDIAN AD LITEM RULES
RULE 5.0 APPOINTMENT OF GUARDIAN AD LITEM

When the appointment of a guardian ad litem is required, the appointee shall be from the appropriate Court-approved Guardian ad Litem registry maintained for Titles 11, 13 or 26, respectively.

RULE 5.1 FEES

Fees paid guardians ad litem shall be at the rate set by Superior Court administrative policy. If additional fees are requested, a written motion for same, accompanied by supporting affidavit(s) must be filed.
[Adopted effective September 1, 2002]

RULE 7.0 GUARDIAN AD LITEM GRIEVANCE PROCEEDURES

These rules apply to guardians ad litem and Court Appointed Special Advocates appointed on any case heard by the Court under Titles 11, 13 and 26 of the Revised Code of Washington.

RULE 7.1 GUARDIAN AD LITEM ADVISORY COMMITTEE

The Court's Guardian ad Litem Advisory Committee, hereinafter referred to as the "Committee," will administer complaints about guardians ad litem.

RULE 7.2 SUBMISSION OF COMPLAINTS

All complaints must be in writing and must be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint

RULE 7.3 REVIEW OF COMPLAINT

(1) Upon receipt of a written complaint, the Court Administrator shall convene the Committee to review the complaint. Upon review of the complaint, the Committee 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 Committee 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. In such cases the Committee and its members shall perform its role in such a manner as to assure that the trial judge remains uninformed as to the complaint; 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 within 10 business days, detailing the specific issues in the complaint to which the Committee desires a response. The Committee shall provide the Guardian ad Litem with a copy of the original complaint. In considering whether the complaint has merit, the Committee shall consider whether the complaint alleges the Guardian ad Litem has:

(1) Violated a code of conduct;
(2) Misrepresented his or her qualifications to serve as a Guardian ad Litem;
(3) Breached the confidentiality of the parties;
(4) Falsified information in a report to the court or in testimony before the court;
(5) Failed, when required, to report abuse of a child;
(6) Communicated with a judicial officer ex-parte concerning a case for which he or she is serving as a guardian ad litem;

(7) Violated state or local laws or court rules; or,
(8) 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.

RULE 7.4 RESPONSE AND FINDINGS

(1) Upon receipt of a written response to a complaint from the Guardian ad Litem, the Committee shall make a finding as to each of the specific issues in the complaint to which the Committee desires a response, as delineated in the Committee's letter to the Guardian ad Litem Such findings shall state that either there is no merit to the issue based upon the Guardian ad Litem's response or that there is merit to the issue

(2) The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the Guardian ad Litem to additional training, or recommend to the Presiding Judge that the Court suspend or remove the Guardian ad Litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints that resulted in an admonishment, reprimand, referral to training, or suspension or removal from a registry. If a Guardian ad Litem is listed on more than one registry, the suspension or removal may apply to each registry on which the Guardian ad Litem is listed, at the discretion of the Committee.

(3) The complainant and the Guardian ad Litem shall be notified in writing of the Committee's decision following receipt of the Guardian ad Litem's response.

RULE 7.5 CONFIDENTIALITY

(1) A complaint shall be deemed confidential for all purposes unless the Committee has determined that it has merit under 7.4, above.

(2) Any record of complaints filed which are not deemed by the Committee to have merit shall be confidential and shall not be disclosed except by court order.

RULE 7.6 COMPLAINT PROCESSING TIME STANDARDS

(1) Complaints shall be resolved within twenty-five (25) days of the date of receipt of the written complaint if a case is pending.

(2) Complaints shall be resolved within sixty (60) days of the date of the receipt of the written complaint if the complaint is filed subsequent to the conclusion of a case.

RULE 7.7 REMOVAL FROM REGISTRY

(1) When a guardian ad litem is removed from the Court's registry pursuant to the disposition of a grievance hereunder, the Court Administrator shall send a notice of such removal to the Administrative Office of the Courts.

(2) When the Court Administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the Court's registry has been removed from the registry of any other Washington Superior Court, the Administrator shall advise the Presiding Judge of such removal.
[Adopted effective September 1, 2002]

The foregoing Local Rules have been adopted effective September 1, 2002, by action of the Superior Court for Clark County pursuant to Civil Rule 83.

JUDGE ROBERT L. HARRIS

JUDGE BARBARA D. JOHNSON

JUDGE ROGER A. BENNETT

JUDGE EDWIN L. POYFAIR

JUDGE JAMES E. RULLI

JUDGE JOHN F. NICHOLS

JUDGE DIANE M. WOOLARD

JUDGE JOHN P. WULLE