

**Local Court Rules for
Asotin, Garfield, and Columbia Counties Superior Court**

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LCR 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(e) Filing with the Court.

(1) Bench Copies. In Columbia and Garfield Counties, bench copies of documents need not be submitted. In Asotin County, bench copies need not be submitted on any case originating in 2016 or newer. In all Asotin County cases older than 2016, bench copies are appreciated but not required.

All bench copies may be submitted via email to the court administrator at ttenny@co.asotin.wa.us. Parties without access to a computer and the internet may deliver bench copies to the Court Administrator. All bench copies must be submitted not later than nine (9:00) o'clock a.m. one court day prior to the scheduled hearing, proceeding or trial. No bench copies shall be submitted to the Court unless prior thereto or simultaneously therewith a copy thereof has been served upon or mailed to opposing counsel.

(2) Documents Not to be Filed. Photocopies of reported cases, statutes or texts shall not be filed as an appendix to a brief or otherwise but may be furnished directly to the judge hearing the matter. Documents or copies thereof produced during discovery and other items which should properly be received as exhibits rather than as a part of the court file shall not be included in the court file.

Effective September 1, 2018

LCR 6
TIME

(d) For Motions - Affidavits.

(1) Notes for Civil Motions Calendar. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12:00 p.m. two (2) *court* days prior to the hearing. Copies of any documents replying to the response must be filed with the clerk and served on all parties and the court not later than noon on the *court* day prior to the hearing. This section does not apply to CR 56 summary judgment motions. Absent prior approval of the court, responsive or reply materials will not include either audio or video tape recordings.

(2) Notes for Family Law Motion Calendar. Any party desiring to bring any family law motion, other than a motion to reconsider (governed by LCR 59), on the family law motion calendar must file such motion documents with the Clerk and serve all parties and the court at least twelve (12) *days* before the date fixed for such hearing. Responding documents and briefs must be filed with the clerk and copies served on all parties and the court no later than 12:00 p.m., five (5) *court* days before the hearing. Copies of any additional responding or reply documents must be filed with the clerk and served on all parties and the Court not later than 12:00 p.m. three (3) *court* days before the hearing. Absent prior approval of the court,

responsive or reply materials will not include either audio or video tape recordings.

(3) Late Filing. Any material submitted later than required by this rule, upon objection of counsel, may be rejected by the Court, or the matter may be continued and/or the court may impose appropriate terms or sanctions.

Amended July 1, 2021

LCR 7 MOTIONS AND HEARINGS

(5) Telephonic argument. Arguments on motions may be conducted in person or via Zoom due to the COVID pandemic. Arrangements may also be made for telephonic appearance. All arrangements should be made directly with the Clerk's office.

(6) Verbatim record. By utilizing and/or consenting to the option to appear and argue telephonically, each party stipulates that any portion of the proceedings which is inaudible to any, the reporter transcribing the record will be noted as such in the record without jeopardy to the reporter or to any transcript being deemed accurate and complete.

(7) Time Limits for Hearings. Civil and domestic/family law and motion dockets are limited to matters typically requiring no more than ten (10) minutes to present. Matters expected to exceed that limitation must be specially set by the Court or its Administrator.

(8) Required Special Settings. The following matters may not be noted on the court's regular dockets, but must be specially set with the court administrator: motions for summary judgment; arguments on the merits in appeals from lower courts or tribunals; child hearsay (Ryan) hearings.

(9) Hearings on Requests for Temporary Orders. Hearings with respect to all temporary orders, including adequate cause, in dissolution, parentage and family law matters shall be held and determined upon affidavits, declarations, and argument only. No Party shall file a verified motion or affidavit that exceeds twenty-five (25) pages, including attachments. Affidavits from non-parties filed in support of or in opposition to a motion for temporary orders shall be limited to four per party and shall be limited to the same number of pages set forth above. Said affidavits or declarations shall be filed and served in the same manner as other pleadings and orders in civil cases and as prescribed by this rule. When any order has been applied for and refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for an order must not be presented to another judge without advising the second judge of the fact that the order was previously refused or conditioned and that application is again being made.

(10) Non-contested Dissolution. These cases may be heard on the Court Docket days set forth in LCR77. Non contested dissolution cases may also be presented to the Superior Court Judge in Chambers without the appearance of either party. The jurisdictional testimony and other

testimony in support of the dissolution must be done in affidavit form or a declaration pursuant to GR 13.

(11) Proposed Orders. A proposed form of order, which the Court may adopt, modify, or reject consistent with the decision of the Court, shall be served with the motion or response to motion. Proposed orders should not be filed with the clerk.

(12) Originals of Proposed Orders. Originals of proposed orders shall be retained by counsel for presentation at the hearing on the motion.

Amended July 1, 2021

LCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES/ MEDIATION

(c) Pre-Trial Conference in Non Domestic Civil Cases. Any pre-trial conference should be held not less than two weeks prior to the trial date unless otherwise scheduled by the Court.,

(d) Exhibits. Parties shall notify the trial judge and the opposing party by letter, fax copy, or electronic mail if that party anticipates offering 25 exhibits or more at time of trial. Said notice shall be given no less than 2 weeks prior to the trial date unless the proffering party could not reasonably known of their existence prior to that time.

(e) Settlement Conference in Non Domestic Civil Cases on Court's Motion. The court to Which a case is assigned for trial may, upon its own motion, either before or after a trial date has been set, order a settlement conference in any pending case, and a settlement conference shall be held.

(1) Preparation and Attendance. The attorney personally in charge of each party's case shall personally attend all settlement conferences unless telephonic participation has been approved by the Court. Not less than three (3) days prior to the date set for the settlement conference, serve on the assigned judge or commissioner and the attorney for the opposing party a letter succinctly addressing the following:

- a. A brief factual summary;
- b. Issues regarding liability;
- c. Issues regarding damages, both special and general;
- d. History of any settlement negotiations; and
- e. Current position on settlement.

(2) Attendance of Parties. The parties shall in all cases attend the settlement conference. Parties whose defense is provided by a liability insurance company need not personally attend said settlement conference, but a representative of the insurer of such party, if such a representative is available in the county in which the matter is pending, shall attend with sufficient authority to bind the insurer to a settlement. In the event such a representative is not

available, counsel representing the party whose defense is provided by the insurer shall make a good faith effort to obtain settlement authority to bind the insurer to a settlement prior to the settlement conference. Attendance of any party may be excused by the court where by reason of health, or other good and sufficient reason, compelling his personal attendance would be unduly burdensome. Whether or not the attendance of any party is required shall rest in the discretion of the Judge or Commissioner scheduled to conduct the conference.

(3) Proceedings Privileged. Proceedings of said settlement conference shall, in all respects be privileged and shall not be reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the judge may, at the request of any party, in his discretion, order the settlement to be reported or recorded.

(4) Sanctions. Where a party has willfully failed to comply with any of the provisions of this rule the court may make such orders as are just which may also include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(f) Pre-Trial Procedure in Domestic Relation Cases.

(1) Mandatory Mediation in Domestic Relations Cases. All contested issues in every domestic relations case, except matters limited to child support, establishment of paternity, or the existence of adequate cause, shall be submitted to mandatory mediation before proceeding to trial. Mediation shall be completed 30 days prior to trial. The mediation requirement or time limits may be waived or modified by the Court upon motion for good cause shown or upon the Court's motion. Sanctions in accordance subsection (e) (4) above may be imposed by the Court against a party found not to have participated in mediation in good faith.

(2) Mediation No Stay. Mediation does not stay or otherwise affect the rights and duties of the parties established by statute, court rule, or court order.

(3) Selection of Mediator. The parties may choose their own mediator approved by the Court. Absent an agreement, upon motion of either party, the Court will select a mediator. The parties are responsible for the cost of mediation equally unless otherwise ordered by the Court.

(4) Authority of Mediator. The mediator has the authority to set the time, place, manner, duration of mediation, and retainer required to be paid by both parties before mediation will commence. The mediator also has the right to terminate mediation.

(5) Participation. Only the parties and their counsel shall attend mediation sessions, unless leave is granted by the mediator for other persons to attend and/or participate. The mediator is empowered to exclude non-parties from the premises where the mediation is taking place in order to minimize disruption to the process.

(6) Report. Within seven (7) days of completion of mediation, a declaration of completion shall be filed with the Court by the mediator. The parties shall be advised by the mediator of the results of mediation in writing. The mediator shall advise the Court whether or not an agreement has been reached on some or all of the issues.

(7) Payment. Mediators shall be paid by the parties in accordance with their agreement, And if none, as determined in mediation or ordered thereafter by the Court.

(8) Proceedings Privileged. The work product of the mediator and all communications to the mediator during the mediation process are confidential and may not be disclosed. The mediator shall not appear to testify in any court action except as may be necessary to secure payment of the mediator's fees.

(g) Pretrial Statement-Contested Dissolutions. In any action for dissolution of a marriage in which property division, the parenting plan, spousal maintenance or child support is an issue, each party shall serve on the other party and file with the court a written summary setting forth:

(1) Statement of the issues.

(2) A statement of the party's proposed resolution of the issues.

(3) A description and valuation of the assets and liabilities of the parties, together with a proposed division thereof.

(4) The party's proposed parenting plan.

(5) Child Support calculations.

Each party's written summary must be served and filed no later than five (5) days before the pretrial conference or settlement conference, whichever occurs first. Failure to timely serve and file the summary as required may result in sanctions.

Effective September 1, 2018

Amended July 1, 2021

LCR 32 USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions.

(6) Video Depositions. When presenting video depositions, a written deposition must also be filed. The videotape may be returned after the appeal period, regardless of whether it is published or not.

LCR 33
INTERROGATORIES TO PARTIES

(a) Availability; Procedures for Use. Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after the summons and a copy of the complaint are served upon the defendant, or the complaint is filed, whichever shall first occur, and upon any other party with or after service of the summons and complaint upon that party. Interrogatories shall not exceed fifty questions and shall be so arranged that after each separate question there shall appear a blank space reasonably calculated to enable the answering party to place the written response. In the event the responding party either chooses to place the response on a separate page or pages or must do so in order to complete the response, the responding party shall clearly denote the number of the question to which the response relates, including the subpart thereof if applicable. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories, except that a defendant may serve answers or objections within 40 days after service of the summons and complaint upon that defendant. The parties may stipulate or any party may move for an order under CR 37(a) with respect to any objection to or other failure to answer an interrogatory.

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LCR 37
FAILURE TO MAKE DISCOVERY; SANCTIONS

(f) Completion of Discovery. Unless otherwise stipulated to by the parties, or ordered by the Court upon good cause shown and such terms and conditions as are just, all discovery allowed under CR 26 through 37, including responses and supplementation thereto, must be completed no later than 35 calendar days prior to the date assigned for trial. Nothing herein stated shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise comply with discovery prior to the 35-day cutoff.

LCR 47
JURY SELECTION

(d) Procedure. The Court will use a struck jury method of jury selection as follows:

(1) Jury Pool. A list constituting the jury pool and copies of juror profiles for a particular trial will be available prior to or on the morning of trial.

(2) Assigning seat numbers for jurors. The jury administrator shall assign seat numbers to jurors in consecutive order based on their order of appearance in a randomly generated list. Counsel and parties do not need to be present during this process.

(3) Seating jurors. The Jury Administrator and /or bailiff will provide each prospective juror with a badge identifying the jurors seating number. With the assistance of the Jury Administrator and / or the bailiff, the jurors will be seated in the courtroom on the spectator benches in numerical order with their seating number badges prominently displayed. In the event a juror is absent after the seating numbers have been assigned, that juror's seat will remain vacant. Counsel may be seated facing the prospective jurors.

(4) Questions by the court. The judge will begin the voir dire process with introductory information and general questions. The court may excuse a juror for cause at any time grounds for dismissal are established. Counsel may challenge for cause at any time after the judge has completed his or her examination. Any party may request the Court to ask prospective jurors appropriate additional general questions proposed in advance in writing and submitted with jury instructions.

(5) Questions by counsel. The attorneys or parties will then question the jurors.

(6) Peremptory challenges. When questioning by the court and counsel is completed, the Court will allow the private exercise of peremptory challenges by striking name of the first exercised challenge from the panel of the first 12 jurors remaining after the entire panel has been passed for cause. Subsequent strikes will be made from the panel of the first twelve remaining after each successive peremptory strike.

(7) Alternate jurors. If the Court elects to seat an alternate juror, the alternate is the next juror remaining in numerical order after the jury of twelve has been selected. Additional peremptory challenges will be added for the alternate and may be exercised in the same fashion as with respect to the regular jurors.

LCR 51
JURY INSTRUCTIONS

(b) Submission. Ten (10) days prior to trial, Plaintiff/Petitioner shall prepare, file, and serve a two sets of proposed instructions. The first set shall be numbered and shall contain citations either to the WPI number or the appropriate authority for the instruction. The second set shall be “clean” and will be unnumbered and contain no citations to authorities. Plaintiff/Petitioner shall

also submit a cover sheet, verdict form(s), and witness list along with its proposed jury instructions. The Defendant/Respondent shall prepare, file, and serve any new or additional instructions without duplication of the instructions submitted by Plaintiff/Petitioner, and a witness list. In civil cases, a statement of the case to the prospective jurors shall be submitted at the same time.

(c) Numbering and Arrangement. Citations shall be in the lower left-hand corner. All instructions shall be arranged in a logical order. All instructions with citations of authority shall be numbered by the submitting party at the top center of the first page.

LCR 52

PRESENTATION OF FINDINGS/CONCLUSIONS, JUDGMENTS AND ORDERS

A. Within ten (10) days after a decision is rendered, any party desiring to submit Findings of Facts and Conclusions of Law, a Judgment, Order or other appropriate document proposed for the entry shall serve opposing counsel with the same and provide the original thereof to the trial judge together with proof of service.

B. Any party objecting to the proposed document shall within ten (10) days after receipt thereof serve opposing counsel, and mail/deliver to the judge, objections thereto in writing, together with any proposed substitutions if deemed appropriate. Upon receipt of the proposed document and objections/substitutions, the judge will within ten (10) days sign and file those documents accurately reflecting the court's decision. The court may at any time call for either argument on the record or arrange for a chambers or telephonic conference to settle the issues.

C. If no objections/substitutions have been received within the above-described ten (10) day period, counsel shall mail/deliver the original of the proposed documents to the trial court, together with an affidavit of service upon the opposing counsel, and upon receipt thereof, the court shall sign such proposed documents, or if deficient, return such documents and inform all counsel as to such deficiencies and any requested changes or additions thereto.

D. The preceding shall be the exclusive method for presenting judgments and findings of facts and conclusions of law. Orders and other documents also may be presented pursuant to CR 54(f)(2), without oral argument. Any proposed document may be presented ex parte to the court if opposing counsel has approved in writing entry of the proposed document or notice of presentment has been waived in writing.

E. If deemed appropriate in some circumstances, the court may shorten the preceding time frames for presentation and shall so notify all counsel/parties.

Amended July 1, 2021

LCR 53.2
COURT COMMISSIONERS

(e) Revision by the Court.

(1) Motion Content and Service Deadlines. A party seeking revision off a Court Commissioner's ruling shall within ten (10) days of entry of the written order, file and serve a Motion for Revision. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision is sought, along with copies of all papers which were before the Commissioner in support, or in opposition in the original proceedings. A copy of the motion and all supporting documents shall be provided to all other parties to the proceedings and to the Court Administrator who shall refer the motion to the appropriate Judge for consideration. The responding party shall have five (5) working days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and to the Court Administrator.

(2) Transcript Required. When seeking revision of a ruling of the Court Commissioner which was based on testimony, such testimony must be transcribed and attached to the motion. If the transcript is not timely available, the moving party must set forth arrangements which have been made to secure the transcript.

(3) Review is De Novo. Review of the Commissioner's order shall be de novo based on the pleadings and transcript submitted and without oral argument unless requested by the reviewing Judge.

(4) Scope of Motion. The Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion for revision or remand to the Commissioner for further proceedings. The Judge may not consider evidence or issues which were not before the Commissioner or not raised by the motion for revision. The Judge may consider a request for attorney fees by either party for the revision proceedings.

(5) Effect on Commissioner's Order. The Court Commissioner's written order shall remain effective unless and until revised by the Judge or unless stayed by the Judge pending proceedings related to the motion for revision.

LCR 59
MOTION FOR RECONSIDERATION

(e) Hearing on Motion.

Motions for New Trial, Reconsideration or Judgment NOV shall be submitted without oral argument unless the court orders otherwise. The motion shall be served and filed as provided in CR 59(b). At the time of filing the motion, the moving party shall serve and file a memorandum of authorities and deliver a copy of the motion and memorandum to the trial judge and to opposing counsel. The trial judge may (1) deny the motion, (2) grant the motion, (3) call for a written response from opposing counsel, and/or (4) call for oral argument.

LCR 77
SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions. The Court shall be in session on all judicial days from 8:30 a.m. to 12:00 noon, and from 1:00 p.m. to 5:00 p.m. Cases may be set for other dates and times. Normally jury trials and non-jury trials begin at 9:00 a.m. In case of conflict, the cases will be heard according to priority assigned on the basis of the nature and age of the case. In event of a conflict which prevents a trial from beginning as scheduled, parties will be expected to be available to commence the trial at the next available date.

(1) At this time, the regular docket days for each county are generally:

Asotin County's Superior Court schedule is as follows:

1st and 3rd Mondays of the month for Criminal and

1st and 3rd Tuesdays of the month for Civil.

Columbia County's Superior Court schedule is as follows:

1st and 3rd Wednesdays of the month for Civil/Criminal.

Garfield County's Superior Court schedule is as follows:

1st and 3rd Wednesday of the month for Civil/Criminal.

For updated information regarding the Court's calendar, please visit <https://www.co.asotin.wa.us/171/Court-Calendar> . If you need to obtain a special setting for matters requiring more than ten (10) minutes to present, contact the Court Administrator at 509-243-2082 Ext 1230. Additional information for each county can be found online.

A COURT REPORTER WILL NOT BE PROVIDED FOR ANY MATTER SCHEDULED ON ANY CALENDAR. ALL MATTERS WILL BE DIGITALLY AUDIO RECORDED.

(2) Holiday Scheduling - These Court schedules will be altered when affected by Holidays. Please check with the Court Administrator for the next docket date - (509) 243-2082 Ext 1230.

(3) The Judge may by order further alter these court schedules as needed and as available courtroom space requires.

(4) Ex Parte matters and emergency orders and writs will be considered at the opening of court each day prior to the commencement of trial or the regular court calendar or at such other time as the judges and/or court commissioners are available.

Non-emergency matters shall be left with the Clerk and the judge/commissioner will consider the same when available.

Amended July 1, 2021

LCR 81
APPLICABILITY IN GENERAL

(a) To What Proceedings Applicable.

(1) Generally. In general, procedure in this Court shall be in accordance with pertinent Washington Court Rules as heretofore or hereafter adopted by the Supreme Court of Washington. These local rules are intended only to supplement those rules and are numbered, insofar as possible, to conform to the existing numbering system. The Rules shall also apply to criminal cases insofar as they are applicable.

(2) Suspension of Rules. The Court may modify or suspend any of these Rules in any given case, upon good cause being shown therefore, or upon the Court's own motion.

LGALR 2
GENERAL RESPONSIBILITIES OF GUARDIAN AD LITEM

(d) Any person successfully completing the CASA GAL training program offered by the Second Judicial District for the State of Idaho in Nez Perce County with Washington supplementation or similar training in this State shall qualify for the Court's R.C.W. 13.34.102 registry for any county in the District upon request and submission of credentials.

LGALR 7
GRIEVANCE PROCEDURES

(1) Complaint. Any grievance or dispute regarding any Guardian ad Litem shall be presented in writing to the Court for submission to a committee of not less than three persons selected by the Court, two of whom must be elected for the respective county, and the third, the Juvenile Court Administrator of the respective county. The committee shall have the authority to obtain a written response, hold a hearing, and make recommendations to the Court ranging from dismissal of the grievance to removal and replacement of the Guardian ad Litem.

(2) CASA. If the complaint involves a Guardian ad Litem from the Court Appointed Special Advocates Association, the grievance resolution procedure set forth by the association may be substituted by order of the Court provided that the resolution can occur within the time frame set forth in subsection (3) below.

(3) Time. The complaint must be resolved within 25 days for any complaint filed while a case is pending or 60 days for any complaint filed subsequent to the conclusion of a case.

LSPR 98.16W
APPROVAL OF FEES IN CERTAIN CASES

(f) When the Court is called upon to fix the compensation for acting on behalf of a minor or a disabled person, the following guidelines shall be considered:

(1) Settlement less than \$500,000. If the case is settled and the amount of settlement is \$500,000 or less, the attorney's fees should not exceed 1/3 of the amount recovered, exclusive of costs of suit.

(2) Settlement over \$500,000. If the amount of a settlement is over \$500,000, the attorney's fees should not exceed 1/3 of the first \$500,000 recovered, exclusive of costs of suit, and 25% of the excess over \$500,000 recovered, exclusive of costs of suit.

(3) Costs of Suit Defined. For these purposes, "costs of suit" shall mean the expenses of litigation.

(4) If there is an appeal, an additional reasonable fee will be considered.

LCrR 4.9
FINAL PRETRIAL CONFERENCE

(a) Counsel shall, at the time of final pretrial either call a case ready for trial or strike the case from the trial date on which it is scheduled. Counsel shall advise the Court of any final pretrial matters to be decided by the court. Pretrial matters requiring argument shall be noted for hearing prior to the morning of the trial. Jury trials should be conducted with minimal interruptions of the jury's time. To this end, matters which need to be heard outside the presence of the jury should be anticipated so that they can be considered during jury breaks or before or after the jury's day.

After final pretrial, if counsel for either party intends to request a continuance of a matter set for trial, counsel shall file motion to continue no later than close of business three days before the matter is set for trial - except that if the trial is set for a Monday, counsel shall submit the motion to continue by close of business the preceding Thursday. The motion to continue shall state (1) the basis for the continuance; (2) whether opposing counsel opposes the continuance; (3) proposed case management dates (e.g. pretrial conference date and trial date) and (4) counsel's representation of the speedy trial deadline which would result if continuance is granted.

Effective September 1, 2018.

LCrR 6.3
SELECTING THE JURY

(a) The procedure used for jury selection in a criminal case shall be as set forth in LCR 47.