

Local Court Rules

*of the
Superior Court
for*

Island County

Effective September 1, 2022



**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR ISLAND COUNTY**

CHRISTON C. SKINNER

Judge

CAROLYN C. CLIFF

Judge

MEGAN FRAZIER

Court Administrator

**In the Matter of the Adoption of
LOCAL RULES OF COURT**

For the Superior Court of Island County, State of Washington

Pursuant to the authority of CR 83 of the Civil Rules for Superior Court, the following Local Rules of Practice and Procedure are adopted by the Superior Court of the State of Washington for Island County, to be in effect on and after September 1, 2022. All other Local Rules or designated Special Rules shall be abrogated to the extent they are inconsistent. Unless otherwise noted, Emergency Orders previously adopted by the Island County Superior Court in connection with the COVID-19 pandemic, shall remain in effect until expressly rescinded.

These Local Rules are a supplement to Rules for the Superior Courts of the State of Washington.

DATED this _____ day of June, 2022.

CHRISTON C. SKINNER, JUDGE DEPARTMENT 1

CAROLYN CLIFF, JUDGE DEPARTMENT 2

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LOCAL ADMINISTRATIVE RULES

Adopted September 1, 2021

LAR 1 – PRESIDING JUDGE

(a) Election. Pursuant to General Rule 29(a)(1), Rules of Court, the elected Superior Court Judges shall elect a Presiding Judge and an Assistant Presiding Judge by majority vote at a meeting of the Judges to be held in October of odd numbered years. Votes may be cast orally or in writing but the result thereof shall be memorialized in a writing that is signed by each Judge who participated in the election.

(b) Terms. The terms of the Presiding Judge and the Assistant Presiding Judge shall be for two years beginning January 1 of the even numbered year after election to these administrative posts.

(c) Vacancy. A vacancy in the office of the Presiding Judge shall be filled by the then serving Assistant Presiding Judge. A vacancy in the office of the Assistant Presiding Judge shall be filled by majority vote of the elected Superior Court Judges at the first meeting of Judges that is held after the vacancy is known to exist. In the event that there is a vacancy in the offices of both the Presiding Judge and the Assistant Presiding Judge, both vacancies shall be filled by majority vote of the elected Superior Court Judges at a meeting of Judges that shall be held promptly after the vacancies are known to exist. Judges filling vacancies shall serve until January 1 of the next even numbered year.

(d) Duties and Responsibilities. The duties of the Presiding Judge and Assistant Presiding Judge shall be as provided in GR 29, except as otherwise provided by written court policy approved by a majority of the elected Judges of the Island County Superior Court.

(e) Selection Criteria. Selection of the Presiding Judge and Assistant Presiding Judge should be based on the criteria set forth in GR 29(a)(5); provided, however, that in the event that no Judge of the Island County Superior Court has at least four years of experience as a fulltime judge, selection may be made by rotation, to allow more candidates to develop their management and administrative abilities.

LAR 2 – JUDICIAL ADMINISTRATIVE RECORDS

- (a) *Policy.* It is the policy of the Washington State’s judiciary to facilitate access to its administrative records. In accordance with General Rule 31.1(c), this Court has adopted this policy to facilitate access to its records. A presumption of access applies to this Court’s administrative records. Access, however, is not absolute, and this Court must honor exemptions for personal privacy,

restrictions in statutes and/or court rules, and as required for the integrity of the judicial decision-making process. To ensure its compliance with General Rule 31.1 and this policy, the Court has designated its Court Administrator as the Court's Public Records Officer and requires that requests for judicial administrative records be submitted to its Public Records Officer in writing.

- (b) *Procedures for Requesting Access.* In accordance with General Rule 31.1(c)(2), the procedures for requesting access to this Court's administrative records, together with identification and contact information for this Court's Public Records Officer and a form for use in requesting this Court's administrative records, is available on the Court's website [insert link here].

PART I
LOCAL CIVIL RULES (LCR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2022

INTRODUCTORY (Rules 1-2A)

LCR 1 SCOPE OF RULES

Unless specifically designated otherwise, these rules shall govern the local practice and procedure in the Island County Superior Court. These rules are subject to amendment at the direction of the judges. Counsel and litigants should check with the court administrator or county clerk to assure that the rules applicable to their matters are currently in

effect. These local rules are supplemental to the Washington State Supreme Court Rules for Superior Court and Juvenile Court. In all cases where the word "counsel" is used, the provisions shall apply equally to a party appearing without counsel, which party is also known as a "self-represented party".

LCR 2 - 2A (NO LOCAL RULES)

(a) Service - When Required.

(1) *Emergency Orders.* A party applying for an emergency order which will require or forbid the doing of some act shall notify the opponent or his or her counsel, if known, and shall request his or her presence at presentation of the order, unless good cause to the contrary is shown. Copies

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

LCR 3 - 4.2 (NO LOCAL RULES)

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

of the motion, declaration, proposed order, and other applicable pleadings and papers shall be provided to the opposing party or his or her counsel, if possible. If the opponent or opponent's counsel does not appear, the judge shall require a full showing with respect to the notice given.

(b) Service – How Made.

Service of all papers other than the summons and other process may be made by electronic mail (email) as follows:

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

(2) *Exceptions.*

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

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

(3) *How Served.* Documents shall be served by email by attaching each document to one or more emails, with no one email to exceed ten (10) megabytes. Each attachment shall be in “portable document format” (PDF), and each attachment shall be separately labeled with

a description of the document. Each email shall contain a list of the documents attached. The sending email shall contain at a minimum a phone number to which any difficulty in receipt or transmission may be reported.

(4) *Delivery of Paper Copies.* Service by email shall be followed by delivery of paper copies no later than the following court day by deposit in the regular mail or hand delivery, unless otherwise stipulated by the parties.

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

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

[Adopted effective September 1, 2021; amended effective September 1, 2022.]

(c) (No Local Rules)

(d) Filing.

(1) *Time.* All notices for the law and motion calendar shall be filed with the clerk of the court no later than 4:00 p.m. twelve

(12) calendar days preceding the date of the hearing.

[Amended effective September 1, 2021; September 1, 2022.]

(2) - (3) (No Local Rules)

(e) Filing With the Court Defined.

(1) *Filing with the Clerk.* The filing of pleadings and other papers with the court as required by these rules shall be made by filing the originals with the clerk of the court as provided in these rules, and not the court administrator's office or the judge.

(2) *E-Filing and Facsimile Filing of Pleadings with Clerk.* Documents, including pleadings, may be filed with the clerk by electronic filing (e-file) or facsimile transmission (telefax), in accordance with GR 17 and GR 30, with the following change: In addition to the requirements of a telefax transmittal sheet contained in GR 17(b)(2), a transmittal sheet shall be required for all e-filing, and the e-filing or facsimile transmittal sheet shall also contain the title and number of pages for each document sent in the transmission. The clerk may assess a fee for documents filed via telefax or e-filing methods. The fee schedule and the procedure for e-filing or facsimile filing of documents with the clerk's office can be found at the Island County Superior Court Clerk's webpage:

<https://www.islandcountywa.gov/Clerk/Pages/Electronic-FAX-Filing.aspx>

(3) *Documents That May not be E-filed or Filed by Telefax.* The following documents may not be filed electronically or by telefax transmission:

(A) Original wills and codicils;

(B) Certified records of proceedings for purposes of appeal;

(C) Documents of foreign governments under official seal including foreign and out-of-state adoption documents;

(D) Documents presented for filing during a court hearing or trial including documents submitted for *in camera* review pursuant to GR 15;

(E) Foreign (out-of-state) Judgments; or

(F) Documents that are illegible as a result of multiple scans or copying.

(4) *Judge's Copies.* Judge's copies of pleadings and other papers shall be provided to the court administrator's office for the judge assigned to the case or calendar by U.S. Mail, courier, hand delivery, or via the e-fax filing system provided by the Island County Superior Court Clerk. Judge's copies shall be provided at the same time as such pleadings and other papers are required to be served on the opposing party. Judge's copies shall have the words "Judge's Copy" or similar designation placed in the upper right hand corner of the first page, the judge's name, and the date and time of the hearing. Judge's copies are discarded after ten (10) days from the assigned hearing date. It is the responsibility of the parties or counsel to provide new judge's copies to the judge thereafter as provided herein. In order to address emergent events such as a pandemic, the court may temporarily modify these rules regarding delivery of judge's copies as circumstances dictate. Parties and counsel are encouraged to monitor the court's webpage located at:

<https://www.islandcountywa.gov/SuperiorCourt/Pages/SuperiorCourtAdministration.aspx>.

[Amended effective September 1, 2021;
September 1, 2022.]

(f) - (j) (No Local Rules)

(k) Special Set Hearings. In the event argument on a motion is expected to be longer than 15 minutes, the moving party shall confer with the opposing counsel or party and then contact the court administrator's office to obtain a special set hearing date and time that takes into account the opposing party's reasonable conflicts.

[Amended effective September 1, 2020.]

LCR 6 TIME

(a) - (c) (No Local Rules)

**(d) For Motions – Declarations/
Affidavits.**

*(1) Deadlines for Filing and Serving
Motions, Responses and Replies.*

(A) Motions. Notwithstanding the provisions of CR 6(d), a written motion, other than summary judgment motions and motions that may be heard *ex parte*, shall be filed with the Clerk and served not later than twelve (12) days before the time specified for the hearing, unless a different period is fixed by these rules or by order of the court. Such an order for a different time period may, for cause shown, be made on *ex parte* application as set forth in LCR 6(f). The motion shall be filed and served with a notice of hearing setting a hearing date for the motion on the appropriate calendar. (See LCR 77(k).) When a motion is supported by affidavit or declaration or other documents, those documents shall be served with the motion.

(B) Responses to Motions. Except as otherwise provided in CR 59(c), opposing or responsive affidavits, declarations and related documents shall be filed with the Clerk's office and served no later than 4:00 p.m., six (6) calendar days prior to the scheduled hearing.

(C) Replies. Affidavits, declarations, memoranda, and related documents submitted in strict reply to the response material (i.e. no new issues or facts), shall be filed with the Clerk's office and served no later than 4:00 p.m., four (4) calendar days prior to the hearing. No additional responses or replies shall be permitted from either party without permission of the court.

(D) Proposed Orders. A proposed order shall be served with the motion or response to motion as an exhibit thereto and shall be included in the Judge's copy provided to the Court. The proposed order shall be in a form that the court can adopt or modify, consistent with the court's decision on the motion. The proposed order shall not be filed as a separate document with the Clerk. Originals of the proposed orders shall be retained by counsel or party and presented for entry at the time of the hearing. Alternatively, counsel or parties appearing at a hearing remotely may submit proposed orders for entry as permitted by LCR 54(f)(3).

(2) Conformed Copies. Court documents served on opposing parties shall be fully conformed as to signatures, dates signed, date filed, and all other information as it appears on the original once it is filed. If a court document is e-filed or filed by telefax, the document shall be conformed to reflect signatures and the date and time of electronic submission.

(3) *Signatures.* Declarations or affidavits shall be signed by the declarant or affiant. Electronic signatures submitted in accordance with GR 30 shall satisfy this requirement.

(e) (No Local Rules)

(f) Motion to Shorten Time. A motion to shorten the time that is otherwise required in LCR 6(d) shall be granted only upon good cause shown. The party requesting an order to shorten time shall give verbal and written notice as soon as possible to the opposing party or his or her counsel, if known, regardless of when the motion is prepared and provided. Copies of the

motion, declaration, proposed order, and other applicable pleadings and papers shall be provided to the opposing party or his or her counsel, prior to the time of the application if possible. The motion shall contain a written certification that self-represented parties or counsel were notified of the time and place when the motion to shorten time is to be heard, or the reasons why such notice was not given. Failure to provide notice may result in terms.

[Amended effective September 1, 2021; September 1, 2022.]

PLEADINGS AND MOTIONS (Rules 7-16)

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

unopened and not a part of the court file unless otherwise ordered by the court.

(a) (No Local Rules)

(b) Motions and Other Papers.

(1) - (3) (No Local Rules)

(4) *Identification of Evidence.* The evidence on which motions, responses and replies are based shall be identified in the body of the pleading with particularity. Deposition testimony, discovery pleadings, and documentary evidence must be quoted verbatim, or a photocopy of relevant pages must be attached. Deposition testimony in connection with a motion shall not require publication unless a challenge is made and opposing party shows good cause for such publication. Depositions used in this fashion shall remain

(5) *Telephonic and Video Argument and Appearances.* Telephonic and video appearances are permitted for hearings on the regular law and motion calendar, protection order hearings and for appearances at special set hearings. Oral argument and appearances by parties, witnesses or counsel, may be heard by telephone or video conference through the StarLeaf conferencing system currently in use by the court, or such other video and audio conferencing system as the court may from time to time adopt, as provided in this Local Rule or elsewhere in these Local Rules, except as otherwise provided in LCR 7(b)(5)(A) and (B) below. During the regular law and motion calendar, the court shall hear video and audio appearances in the order in which they are noted on the calendar, unless the

court exercises its discretion to call cases in a different order.

(A) *Hearings Unsuitable for Telephonic or Video Conferencing Systems.* The following matters are deemed unsuitable for telephonic or video appearances: Judgment debtor examinations and settlement conferences.

(B) *Court may require personal appearances.* The court may require a party or witness to appear in person at a hearing, conference, or other proceeding if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

(C) *Equipment/Conduct.* Any person appearing in court via video or audio means shall eliminate, to the greatest extent possible, all ambient noise from the calling location and speak directly into a telephone headset or microphone. Persons appearing by video or telephone shall use equipment and an internet or telephone connection sufficient to allow clear communication. When using the StarLeaf system or any other similar system that may be adopted by the court for court appearances, the user shall keep their microphone on mute unless that person is speaking. All parties, attorneys and witnesses appearing at trial or special set hearing shall conduct themselves in the same manner as if the appearing party was present in court. Persons appearing in court via video shall arrange to appear in a suitably quiet and private location. Offensive or lewd screen names, backgrounds or filters are prohibited. Persons appearing in court via video shall remain seated, shall refrain from eating, drinking, or smoking except during recesses, and shall not permit

other persons to be in the same room or location without express authorization from the Court.

(D) *Pre-check for Remote Attendance.* Parties utilizing the Court's StarLeaf system shall connect using the court's designated telephone number or web link and meeting number at least ten (10) minutes prior to the scheduled time and shall promptly notify court administration if they have difficulty doing so. All persons connecting at a later time may be considered to be late for the hearing and shall be treated by the court in the same manner as if the party had personally appeared late for the hearing. Any party appearing by video or telephonic means shall not utilize the "hold" button on a phone or leave the video device, as it is not within the policy of the court to wait for any person to rejoin the line.

(E) *Court May Reject or Halt Telephonic or Video Appearances.* The court reserves the right, at any time, to suspend or reject any person appearing through StarLeaf or other telephonic and video appearances, if, in the court's opinion, the user's equipment is inadequate or the person appearing is not observing appropriate protocols for appearing via telephonic or video means. The court further reserves the right to halt the hearing or trial at which the telephonic or video appearance is occurring and order the attorneys and the parties, if applicable, to personally appear at a later date and time.

(F) *Familiarization with Video and Telephonic System.* All parties and counsel who intend to utilize the StarLeaf system or any other telephonic and audio system approved by the court for

appearances at hearings or trial, shall familiarize themselves with the operation of the system software and related hardware prior to their scheduled appearance.

(G) *Recording Remote Proceedings Prohibited.* The prohibition on recording proceedings of the Superior Court without prior permission extends to recording the audio or video of remote proceedings.

(i) All lawyers, litigants, participants, or observing members of the press or public who wish to take photographs or record video or audio during remote proceedings, shall comply with General Rule 16, including its requirement to first secure express permission from the judge presiding over the proceedings.

(ii) No person participating in, or listening to, such a proceeding may rebroadcast, live-stream, or otherwise disseminate any live or recorded audio or video of the court proceeding, except with written authorization by the judicial officer conducting the hearing.

(H) *Protection Order Hearings.* These hearings may occur remotely or in person unless otherwise ordered by the Court. These matters are open to the public and the Courtroom shall be open and available for all hearings. However, remote access to these hearings is limited to those involved in the case. Livestream of these hearings is not available. Remote hearing information for these hearings will not be posted on the Court's website; rather, remote hearing information will be provided directly to the parties and their counsel/advocates.

(I) *Additional Rules to be Posted on Superior Court Website.* Additional or

supplemental rules pertaining to the use of the StarLeaf system or other similar system adopted by the court may be posted on the court's webpage located at:

<https://www.islandcountywa.gov/SuperiorCourt/Pages/SuperiorCourtAdministration.aspx>.

Parties and counsel intending to appear by telephone or video should review the court's website from time to time for updated rules and procedures.

(6). *Presentation of Orders After Hearing.* If the Court rules on a motion at the conclusion of a scheduled hearing, the substantially prevailing party or such other party designated by the Court, shall prepare an order and any necessary findings in conformity with the Court's oral pronouncement. The proposed order shall be prepared and submitted to opposing counsel or self-represented party, within 15 days of the date of the oral ruling or written decision and a judge's copy provided to the Court as required by these rules. The proposed order shall be scheduled for presentation no later than 45 days after the date the ruling was made, either orally or in writing. [Adopted effective September 1, 2022.]

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

(e) Motions and Orders to be Separate. Motions and orders shall not be combined into one document. An order shall always be set forth in a separate document.

[Amended effective September 1, 2021; September 1, 2022.]

LCR 8 GENERAL RULES OF PLEADING (NO LOCAL RULES)

LCR 9 PLEADING SPECIAL MATTERS (NO LOCAL RULES)

LCR 10 FORM OF PLEADINGS AND OTHER PAPERS

(a) - (c) (No Local Rules)

(d) Format Requirements. Pleadings and other papers submitted for filing with the Clerk shall conform to the provisions of GR 14. In addition, the following rules apply:

(1) *Tabs or Separators in Documents.* Any tabs or separators used within documents shall be placed at the bottom of the page only.

(2) *Page Format.* The text of all briefs, legal memoranda, motions, declarations and affidavits shall be typed, double spaced, or legibly hand printed. Print in any format must appear as twelve point or larger type in the following fonts or their equivalent: Times New Roman, Courier, CG Times, Arial, Century, and Century Schoolbook.

(3) *Use of Photos of Documents as Originals Prohibited.* Use of a photograph of a page of an original document – as, for example, the use of a photograph of a signature page taken with a cellphone by the signer as an original document’s signature page – often results in illegibility and is therefore prohibited.

(4) *Photocopies, Screenshots Photographs.* Photocopies, screenshots, or photographs that are incorporated into original documents that are filed with the court –such as exhibits to a declaration --

shall be legible and of sufficient resolution to allow legible replication by scanning or copying. Particular care must be taken with photographs or other documents that often do not reproduce clearly.

(e) Format Recommendations.

(1) - (6) (No Local Rules)

(7) *Black and White or Color Photographs.* Filing of documents that incorporate color photographs presents technical issues. Black and white reproductions are therefore preferred. Counsel or self-represented parties who choose to file documents that incorporate color photographs must consult with the Island County Superior Court Clerk’s Office to arrange for filing such originals at least one judicial day in advance of the day they would otherwise be due.

(f) - (g) (No Local Rules)

LCR 11 SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL MEMORANDA; SANCTIONS

(a) Violations of Local Court Rules. Violation of these local court rules may result in sanctions as set forth in CR 11.

(b) (No Local Rules)

LCR 12 - 15 (NO LOCAL RULES)

LCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES

(a) - (b) (No Local Rules)

(c) Pretrial Readiness Hearings.

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

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

(3) *Completion of Discovery.* Unless otherwise stipulated by the parties, or ordered by the court upon good cause shown and on such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementation thereto, must be completed no later than the scheduled date of the pretrial readiness hearing. Nothing herein stated shall modify a party's responsibility to promptly supplement responses to discovery or otherwise comply with discovery.

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

(d) Settlement Conference. Any party in a civil action may schedule a pretrial settlement conference through the court administrator for hearing no later than 21 days prior to trial. The settlement conference shall be before a judge who has not been assigned to preside at any subsequent trial. Attendance at the settlement conference by all parties and counsel shall be mandatory, unless the court determines that circumstances exist precluding another party's attendance. Attendance by non-parties is permissible upon agreement by the parties. The parties shall provide documentation clearly stating the issues involved to the settlement conference judge at least two (2) days prior to the settlement conference.

PARTIES (Rules 17-25) (NO LOCAL RULES)

DEPOSITIONS AND DISCOVERY (Rules 26-37)

LCR 26 - 32 (NO LOCAL RULES)

LCR 33 INTERROGATORIES TO PARTIES

not be filed with the court, unless they are submitted as evidence in support of the motion or petition. A copy of the face page containing proof of service may be filed with the court.

(a) Availability; Procedures for Use. Interrogatories and answers thereto shall

LCR 34 - 37 (NO LOCAL RULES)

TRIALS (Rules 38 – 53.4)

LCR 38 - 39 (NO LOCAL RULES)

parties, including the guardian ad litem, if any, by mail.

LCR 40 ASSIGNMENT OF CASES

(2) *Confirmation of Trials.* Counsel shall confirm with the court administrator no earlier than seven (7) court days or no later than two (2) court days prior to the trial date that their trial will proceed on the scheduled trial date.

(a) Notice of Trial - Note of Issues.

(1) - (5) (No Local Rules)

[Amended effective September 1, 2022.]

(6) *Trial Brief in Civil Trials.* In all civil trials, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting the same. The trial briefs shall be filed with the clerk, copies served on opposing counsel and a copy provided to the assigned judge by noon on the Friday before the date set for commencement of trial.

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

(e) **Continuances.** Continuances may be granted upon mutual agreement of the parties and upon presentation of an order of continuance if the continuance is sought more than thirty (30) days in advance of the assigned trial date. A continuance sought within thirty (30) days of the assigned trial date shall be made by written motion. If either party wants to set a new trial date, that party must use the process described in LCR 40(b) above.

(b) Methods.

(1) *Note for Trial Setting.* Counsel or, if self-represented, parties shall file with the court clerk, provide a copy to the court administrator and serve on all parties, including the guardian ad litem, a Note for Trial Setting and a Notice of Conflict Dates in the form set forth in the Forms Appendix E & F. Conflict dates shall be limited to previously scheduled vacations and trial dates. Counsel or self-represented parties should request sufficient time for the trial; overestimation of the length of trial is preferred to underestimation of time needed.

(f) (No Local Rules)

(g) **Related Cases.** Cases are randomly assigned by the Clerk of Court to the judges of the Superior Court on an equal basis at the time of filing, with the following exception: For (1) family law petitions seeking dissolution of marriage, declaration of invalidity, legal separation, parentage and minor guardianship (2) actions brought by parties to non-marital relationships involving parenting or distribution of assets and liabilities, and (3) dependency cases, the same judge shall be assigned to all such cases involving the same parents and children

On the date requested for trial assignment, the court administrator, without the parties appearing, shall assign cases a specific trial date and notify the

pursuant to unified family court principles. Other related cases may be assigned to the same judge, by consent of the court on duly noted motion or on the court's own initiative. Whenever a case is assigned, or re-assigned, to the same judge pursuant to this rule, the other judge shall then be assigned an additional case, to equalize the case assignments between the judges.

[Amended effective September 1, 2021.]

LCR 41 DISMISSAL OF ACTIONS

(a) - (d) (No Local Rules)

(e) Notice of Settlements. If the parties fail to comply with CR 41(e) and the court incurs unnecessary expenses, such as jury expenses, the court may in its discretion assess such costs to the parties.

LCR 42 CONSOLIDATION; SEPARATE TRIALS (NO LOCAL RULES)

LCR 43 TAKING OF TESTIMONY

(a) Telephonic and Video Testimony and Appearances. Video appearances are permitted for protection order hearings, trials, and other proceedings at which testimony will be presented; telephonic appearances at such proceedings are not permitted without express permission from the Court. Any party desiring to use the Court's StarLeaf system at a trial or evidentiary hearing, shall follow all procedures set by the court for video and telephonic appearances. Notice of any witness, party's or attorney's intent to appear at a trial, or other proceeding at which testimony will be presented by video – including a hearing after notice

on a petition for a protection order - should be submitted in writing to the court administrator, with a copy to the opposing counsel or opposing party if not represented by counsel, no later than three (3) days prior to the date of the special set hearing or first trial day. Any objections to the use of video appearances by a witness or party or attorney shall be addressed at the time the hearing or trial commences. Objections shall only be granted for good cause shown.

The procedure and rules governing video appearances set forth in LCR 7(b)(5) shall apply to all trials and evidentiary hearings, including protection order hearings.

[Adopted effective September 1, 2022.]

(b) (No Local Rule)

(c) Mode and Order of Interrogation and Presentation. [See, ER 611]

(d -k) (No Local Rules)

(l) Trial Exhibits to Clerk in Advance of Trial. [See also, GR 15(i)]. Counsel and self-represented parties shall provide all exhibits (except exhibits intended for impeachment purposes) to the superior court clerk at least two business days in advance of the trial or hearing date, to be marked for identification. The beginning number for proposed exhibits will be determined by date and time of submission. Copies of all proposed trial exhibits, except large maps or large drawings, shall be given to opposing counsel/party and to the trial judge immediately prior to the commencement of trial. Counsel shall also provide the

clerk with an 8x11-inch version of any larger exhibit.

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

[Amended effective September 1, 2020; September 1, 2022]

JUDGMENT (Rules 54-63)

LCR 54 JUDGMENT AND COSTS

(a) - (e) (No Local Rules)

(f) Presentation.

(1) - (2) (No Local Rules)

(3) *Ex Parte and Remote Appearance Presentation and Fees.* Agreed orders, orders submitted when notice of presentation is waived, orders submitted when the presenting party or parties appear remotely, and *ex parte* orders based upon the record in the file, may be presented by mail through the Superior Court Clerk's office. The original order, supporting materials, and the required fee as set forth in the clerk's fee schedule (LCR 79(d)(1)) must be included in the mail or delivery. If accepted by the clerk, the proposed order will be presented to the *ex parte* judge for consideration; or if the presenting party is appearing at a hearing remotely, the proposed order will be presented at the time of hearing. If rejected, the proposed order will be returned to the sender for resubmission or

LCR 44 - 50 (NO LOCAL RULES)

LCR 51 INSTRUCTIONS TO JURY AND DELIBERATION

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

(b) - (i) (No Local Rules)

LCR 52 - 53.4 (NO LOCAL RULES)

in-person presentation. Self-addressed, stamped envelopes, along with copies of the proposed order, must be provided if return of any conformed materials or rejected order is sought.

[Amended effective September 1, 2022.]

LCR 55 DEFAULT AND JUDGMENT

(a) (No Local Rules)

(b) Entry of Default Judgment.

(1) - (4) (No Local Rules)

(5) *Default Orders, Decrees or Judgments.* If an order, decree or judgment has been entered by default, counsel representing the prevailing party, or the prevailing party if not represented by counsel, shall immediately mail a conformed copy of the order, decree or judgment signed by the judge, including the date the order was filed with the clerk, to the opponent or opponent's counsel at his or her last known address. An

affidavit or declaration showing proof of service by mailing shall be filed with the clerk.

(c) - (f) (No Local Rules)

LCR 56 SUMMARY JUDGMENT

(a) - (b) (No Local Rules)

(c) Motion and Proceedings.

(1) Confirmation of Summary Judgment Motions. The moving party shall confirm his or her summary judgment motion with the court administrator no earlier than seven (7) court days or no later than two (2) court days prior to the hearing.

(d) - (h) (No Local Rules)

LCR 57 - 58 (No Local Rule)

**LCR 59 NEW TRIAL,
RECONSIDERATION AND
AMENDMENT OF JUDGMENTS**

(b) Time for Motion; Contents of Motion

(1) Time. Motions for reconsideration of a Judge's or Judge *pro tem*'s rulings; and for reconsideration or revision of a Commissioner's rulings, and all pleadings and documents in support thereof, must be filed and served on opposing counsel, or on the opposing party if unrepresented, and filed with the Clerk, no later than ten (10) days after entry/filing of the judgment, order, or the

judicial officer's written/memorandum decision. Judge's copies of all pleadings related to Motions submitted under this rule shall be provided to the Judge or judicial officer who made the ruling.

(2) Grounds for Motion. The motion must set forth the specific grounds identified in CR 59(a) for reconsideration, and the arguments and authorities in support thereof.

(3) Response. The opposing party may, within ten (10) days after receipt of the motion, file and serve on the moving party; and file with the Clerk, pleadings and documents in opposition.

(4) Oral Argument. Oral arguments will be scheduled only if the judicial officer involved requests the same.

(5) Decision on Motion; Notice of Readiness. Motions for reconsideration or revision shall not be noted for hearing on any motion calendar, unless oral argument has been requested by the Judge or judicial officer. After expiration of ten (10) days following filing and service of the motion, either party may file and serve on opposing counsel and file with the Clerk, a notice containing the case heading, a designation of the Judge or judicial officer making the original ruling, and certifying that the matter is ready for a ruling on the motion for reconsideration. The matter will not be brought before the Judge or judicial officer until a Notice of Readiness is filed by any party. The Notice of Readiness shall be in substantially the same form as found at Appendix O. [Adopted effective September 1, 2021; amended effective September 1, 2022.]

LCR 60 - 63 (No Local Rules)

**PROVISIONAL AND FINAL REMEDIES (Rules 64 – 71)
(NO LOCAL RULES)**

APPEALS (Rules 72-76) (NO LOCAL RULES)

SUPERIOR COURTS AND CLERKS (Rules 77 – 80)

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

(a) (No Local Rules)

(b) Powers of Superior Courts.

(1) *Powers of Court in Conduct of Judicial Proceedings.* [See RCW 2.28.010.]

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

(B) **Professional Conduct.** Counsel should adhere to the Guidelines for Professional Courtesy, as well as the “Courtroom Decorum and Practice Guidelines,” a copy of which may be found in the Forms Appendix M.

(2) - (3) No Local Rules

(c) (No Local Rules)

(d) Superior Court-Hours of Operation. Unless otherwise ordered, the Island County Superior Court shall be open, as set forth in CR 77(d), on judicial days at least from 8:30 a.m. to noon, and from 1:00 p.m. to 4:30 p.m. Non-judicial days are designated as Saturday and Sunday and those days designated by law as legal holidays.

(e) No Court on Legal Holidays – Exceptions. [See RCW 2.28.100]. The court shall observe all legal holidays.

(f) Sessions.

(1) **Involuntary Commitment Hearings.** Involuntary commitment hearings shall be held as occasion demands to expedite the hearing, availability of medical testimony, and the convenience of the court. The prosecuting attorney shall notify the office of the court administrator immediately upon the filing of an application, and the time and place of the hearing shall be set by the court

administrator at the earliest date compatible with the foregoing factors.

(g) - (i) (No Local Rules)

(j) Trials and Hearings. Jury trials in Island County Superior Court shall be on the date assigned by the court administrator and shall be held Tuesday through Friday, from 9:30 a.m. until 4:15 p.m., with a break from noon until 1:30 p.m., or at such other times and for such duration as designated in advance by the court as the docket of cases warrants. Special set hearings and bench trials shall be scheduled on the dates assigned by the Superior Court, Court Administrator. [Amended effective September 1, 2021; September 1, 2022.]

(k) Motion Day - Local Rules. The Island County docket shall be as follows:

(1) *Law and Motion Calendars.* The civil, adult criminal, and juvenile offender law and motion calendar for Island County shall be held on Monday of each week in the assigned departments. If Monday falls on a legal holiday, then the motion calendar shall be heard on the following Tuesday. If any matter on the law and motion calendar is expected to last longer than 15 minutes total, the parties must obtain a specially set hearing date from the court administrator pursuant to LCR 5(k). See Forms Appendix D for Notice of Hearing.

(A) Civil Motion Calendar. Closed civil hearings, including adoptions, shall be heard at 9:00 a.m. Unless the judge presiding over a particular civil motions calendar determines otherwise, open civil hearings shall be heard from 9:30 a.m. to noon in

the following order: Ex parte matters; supplemental proceedings; readiness hearings; parentage motions where paternity has previously been determined; uncontested matters in probates and guardianships; uncontested dissolutions presented by attorney; all orders to show cause and motions in domestic actions; other orders to show cause and motions in civil case; motions; and orders subsequent to judgment and motions for summary judgment. Provided, however, that any motion, or, as regards a case in which more than one motion has been noted for hearing on the same day, any case that is expected to take longer than 15 minutes shall be scheduled as a “special set” hearing, pursuant to LCR 5(k) above.

(B) Criminal and Juvenile Offender Calendars. The criminal and juvenile offender calendars shall be heard on Monday from 1:30 p.m. to 4:15 p.m. Criminal and juvenile offender preliminary hearings and hearings on bench warrants shall be heard Monday during the criminal and juvenile offender calendar and at 1:15 p.m. on Tuesday through Friday.

(2) *Special Calendars.*

(A) **Tuesday.** The court shall hear the following matters every *Tuesday*:

i. **Self-represented Marriage Dissolutions (final orders)** shall be heard at 8:30 a.m.

ii. **Parentage, At-risk youth (ARY), CHINS, and emancipation** proceedings shall be heard at 9:30 a.m.

iii. **Truancy proceedings** shall be heard at 3:00 p.m.

(B) **Wednesdays.** The court shall hear the following matters every *Wednesday*:

i. **Shelter Care** hearings shall be held at 10:30 a.m. (If such hearings must be held on a day other than Wednesday, such hearings shall be held at 8:30 a.m. on Friday.)

ii. **Domestic violence, antiharassment, and sexual assault protection order cases** shall be heard at 2:00 p.m.

(C) **Thursdays.** The court shall hear the following matters every *Thursday*:

i. **Dependency** petitions and related hearings shall be heard at 9:30 a.m.

ii. **Adult Drug Court** shall be held at 10:30 a.m.

iii. **Family Reunification Court** shall be held at 2:30 p.m.

[Amended effective September 1, 2022.]

(3) *Ex Parte Calendar.* The *ex parte* calendar shall be heard at the beginning of the Monday civil motion calendar and at 1:00 p.m. on Tuesday through Friday. Parties and counsel who intend to submit a matter to the court for consideration on the *ex parte* calendar shall file all pleadings and supporting documents with the Clerk and provide judge's copies to court administration at least one court day prior to the date that a matter will be presented on the *ex parte* calendar.

[Amended effective September 1, 2022.]

LCR 78 CLERKS

(a) - (f) (No Local Rules)

(g) **Payment and Disbursal of Trust Funds.**

(1) *Payment of Trust Funds.* Trust funds shall be paid to the clerk of court with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.

(2) *Disbursal of Trust Funds.* Trust funds that are paid by attorney's check or company's check will be available to be disbursed eight court days after receipt by the clerk. Trust funds that are paid by any other method listed in subsection (1) above will normally be available to be disbursed the first or second court day following receipt by the clerk.

LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

(a) - (c) (No Local Rules)

(d) **Other Books and Records of Clerk.**

(1) *Clerk's Fee Schedule.* The clerk of the court will maintain a schedule of charges authorized by law for clerk's services. The schedule shall be available for public inspection and will be maintained in the clerk's office and on the clerk's website.

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

(3) *Court Files.* Case files are maintained electronically. Copies of a file or of the documents therein may be obtained from the clerk as provided by law and rule.

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

(f) List of Pending Decisions. (No Local Rules)

(a) Matters Not Reported/Audio Recording. Unless requested by a party and expressly directed by the judge, the following matters will not be reported when a court reporter is present: Opening statements and closing arguments in non-jury civil trials; *ex parte* matters on the law and motion calendar; verbal statements in a tape recording; video tape recording used at trial or in a hearing. In any proceeding where a court reporter is not present, the Court will be audio recording the proceedings using the FTR (“For The Record”) recording protocol.

(b) - (c) (No Local Rules)

[Amended effective September 1, 2021.]

LCR 80 COURT REPORTERS

GENERAL PROVISIONS (Rules 81-86)

LCR 81 - 84 (NO LOCAL RULES)

LCR 85 TITLE OF RULES

These rules shall be known and cited as the Local Civil Rules for Island County Superior Court. LCR is the official abbreviation. Special Rules shall be abbreviated LSPR.

LCR 86 NO LOCAL RULES

PART II
LOCAL / SPECIAL PROCEEDINGS RULES (LSPR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2022

LSPR 94
FAMILY LAW RULES

(a) Scope of Rules. LSPR 94 shall apply to all (1) family law petitions seeking dissolution of marriage, declaration of invalidity, legal separation, or parentage determination; and (2) actions brought by parties to non-marital relationships involving parenting, support or non-marital distribution of assets and liabilities. This rule shall also apply to all modification actions filed in the specified cases.

(b) Court's Automatic Temporary Order. Upon filing a summons and petition in any of the actions specified in LSPR 94(a), above, the court on its own motion shall automatically issue the temporary order set forth in the Forms Appendix A, entitled "Court's Automatic Temporary Order Re: LSPR 94."

(c) Affidavits and Declarations – Page Limits.

(1) Number of Pages of Declarations and Affidavits Limited. Absent prior authorization of the court, the entirety of all declarations, affidavits from the parties and non-expert witnesses in support of motions, (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of twenty (20) pages. The entirety of all declarations and affidavits submitted in response to

motions shall not exceed twenty (20) pages. The entirety of all declarations and affidavits submitted in reply to the response shall not exceed ten (10) pages.

(2) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses, including electronic communications such as emails, text messages, depositions or other similar materials, shall count toward the above page limit. A declaration may contain a summary of the content of a text message or email without attaching a copy of the actual communication, so long as it is available for inspection by any other party to the proceeding.

(3) Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

(4) Expert Witness Reports and Evaluations. Declarations, affidavits, and reports from Volunteer Guardians ad Litem (VGAL), Guardians Ad Litem (GAL), Court Visitors and expert witnesses do not count toward the page limit.

(5) Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit.

(6) **Format.** All declarations and affidavits and factual statements in mandatory family law forms must comply with GR 14 (format for pleadings and other papers) and LCR 10(d). Pages in declarations or affidavits shall be sequentially numbered at the bottom of the page and exhibits shall be labeled by exhibit letter or number.

(7) **Circumvention Prohibited.** This rule may not be circumvented by filing several motions in the same family law matter on the same day. Similarly, this rule may not be circumvented by including factual content in mandatory family law forms that should otherwise be included in a party's or witness' declaration.

(8) **Violations.** If the Court finds that one or more of the parties violated this rule, the Court may, on its own motion or upon objection of a party, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

(d) Financial Declarations and Verified Statement of Assets and Liabilities. Within 30 days after the filing of an answer or other responsive pleading in any of the actions specified in LSPR 94(a), each party shall serve the opposing party with (1) a Financial Declaration (WPF DRPSCU 01.1550) and all attachments in all cases involving a request for child support, maintenance or attorney fees, and (2) a Verified Statement of Assets and Liabilities in the form set out in the Forms Appendix B. The Financial Declaration shall be filed with the court. All parties have a duty to supplement the documents when additional information becomes available. Each party shall file with the

court a Proof of Mailing or Delivery in the Forms Appendix C, attesting that the Financial Declaration and all attachments and the Verified Statements of Assets and Liabilities has been provided to the other party within the 30-day time limit.

(e) Parenting Seminars. This rule shall apply to all cases in which the court is being asked to enter a parenting plan or residential schedule for minor children.

(1) *Mandatory Attendance.* Unless waived as provided herein, within 30 days of filing an appearance, answer or other responsive pleading in an action involving a parenting plan or residential schedule for minor children, both parties shall register for a court-approved parent education seminar on the effects of family transitions on children, unless the parties have previously attended such a course within the last three years. Each party shall attend the seminar within 60 days of registering.

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

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

(4) *Seminar Providers.* The court shall establish standards for parenting seminars and shall approve seminar providers. A list of approved parenting seminars shall be available from the court facilitator. If a parenting seminar is not

included on the list, then the court, upon proper motion, may allow other seminar providers to fulfill this requirement on a case-by-case basis. Online parenting seminars and out-of-county seminar providers require prior court approval, unless they are on the Island County approved list.

(5) *Waiver and Special Consideration*

(A) **Opposing Parties.** In no case shall opposing parties be required to attend a seminar together.

(B) **Domestic Violence or Abuse.** Upon a showing of domestic violence or abuse which would not require mutual decision-making pursuant to RCW 26.09.191, or if the court determines that attendance at a seminar is not in the children's best interest pursuant to Ch. 26.12 RCW, the court shall either waive the requirement of completion of the seminar or allow participation in an alternative parenting seminar if available.

(C) **Proposed Parenting Plan Required.** Within 14 days of completing the parenting seminar as described above, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

(D) **Willful Refusal.** Willful refusal to participate in a parenting seminar or willful delay in completing a court-ordered parenting seminar may result in a finding of contempt and imposition of sanctions. (*See Order to Show Cause Re: Parenting Class in the Forms Appendix H.*)

(f) Mandatory Mediation.

(1) *Requirement for Mandatory Mediation.* In all cases specified in LSPR 94(a) with unresolved issues, except cases solely related to modification of child support, all parties shall, in good faith, engage in mediation with a court-approved mediator in an effort to resolve the case, unless mediation is waived as set forth herein. Mediation shall be completed at least 60 days prior to the scheduled trial date. Mediation may be conducted by video conferencing technology if all parties agree to do so or at the direction of the court after a hearing on a properly filed motion requesting the same.

(2) *Mandatory Mediation Not Required.* Mediation shall not be required in the following cases:

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

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

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

(D) Where the court upon motion finds that domestic abuse has occurred between the parties and that such abuse would interfere with arm's-length mediation.

(E) Notwithstanding the forgoing, either party may seek a court order requiring mandatory mediation in a case where it would not otherwise be required if the moving party believes that the parties would be able to mediate their

dispute at arm's length under the particular circumstances of the case.

(3) *Settlement Conference after Mandatory Mediation.* If, after mediation in good faith or where mediation is not required, there remain unresolved issues in any case specified in LSPR 94(a), the parties may participate in a settlement conference, pursuant to LCR 16(d).

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

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

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

(7) *Failure to Comply With Mandatory Mediation Requirement.* A party's willful refusal to participate in mediation or willful delay in completing mediation, or a party's failure to mediate in good faith, may result in a finding of contempt and/or the imposition of sanctions, including the costs of mediation, attorney's fees and such other relief as the Court deems appropriate.

(8) *Approval of Mediators.* Mediators performing mediation services pursuant to this rule must fulfill certain minimum

qualifications established by the court. The court administrator shall maintain a list of such minimum qualifications for distribution to the public. In order to fulfill the mediation requirements of this rule, the parties must use the services of a court-approved mediator. An attorney who is on active status and licensed in the State of Washington shall be deemed qualified to act as a mediator. The court administrator shall maintain a list of approved mediators, either persons or agencies, for distribution to the public. The list shall contain the following information: each mediator's name, organization, if any, address and telephone number, and fee schedule.

(9) *Selection of Mediator; Right of Mediator to Decline.* The parties may either agree to a mediator from the court-approved list or the mediator will be determined by use of a strike list. A mediator has the right to decline to serve in a particular case. If a mediator declines to serve, the parties shall select a different mediator, using the same selection process by which the preceding mediator was selected.

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

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

(12) *Certificate of Completion of Mediation.* Within seven (7) days of completion of mediation, a certificate of completion signed by the mediator shall be filed with the court by the mediator or one of the parties. The mediator shall advise counsel and the parties of the results of mediation in writing. The mediator shall advise the court only whether an agreement has been reached on some or all of the issues. [See, Forms Appendix K, “Certificate of Completion of Mediation.”]

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

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

(g) Jurisdictional Declaration in Non-Contested Dissolution Cases. If a decree or final order is entered under RCW 26.09 by joinder, agreement, or default, an attorney representing the petitioner or the respondent, or a self-represented party may present jurisdictional testimony pursuant to a “Request for Entry of Decree and Declaration of Jurisdictional Facts,” found in the Forms as Appendix I. If a self-represented party submits final documents that are incomplete or contain material errors, the Court will note the error(s) on the proposed final documents and the Court Facilitator will return the documents to the presenting party for correction.

(h) Required Documents in Family Law Trials. In addition to the trial briefs required under LCR 40(a), in all contested trials in domestic relations matters, each party shall provide the court with (1) a current Financial Declaration (FL All Family 131) and all attachments; (2) a written Pretrial Affidavit indicating a proposed division of assets and liability, which form can be found in the Forms Appendix J; and (3) if children are involved, a proposed parenting plan and child support worksheets. If a party is not represented by counsel, the unrepresented party’s proposed parenting plan and child support worksheets shall be reviewed and initialed by the court facilitator, or, if the court facilitator is not available, by the juvenile court administrator, before submission to the Court. With the exception of proposed Orders and proposed Parenting Plans all required documents shall be filed with the clerk, copies served on opposing counsel or party and a copy provided to the assigned judge by noon on the Friday before the date set for commencement of trial.

(i) Parenting Plans and Child Support Orders Submitted by Self-represented Parties – Review. In any action in which the residential care or child support of a minor child or children is at issue and in which none of the parties are represented by counsel, the parenting plan and child support documents shall first be reviewed, approved and initialed by the court facilitator, or, if the court facilitator is not available, by the juvenile court administrator. Any parenting plan or child support order and worksheet submitted for court approval must be so initialed and approved before the court will consider it.

(j) Family Court - Reconciliation. A party requesting a hearing for reconciliation before Family Court under RCW 26.09.030 shall file a petition with the superior court clerk and obtain a

specialty set hearing date and time from the court administrator.

[Amended effective September 1, 2020; September 1, 2021.]

SPR 98.04

(No Local Rules)

[Rescinded effective September 1, 2022]

LSPR 95

UNLAWFUL DETAINER CASES – EVICTION RESOLUTION PILOT PROGRAM (ERPP) AND RIGHT TO COUNSEL

(a) Standing Order. The Island County Superior Court "opted in" to the Eviction Resolution Pilot Program (ERPP) pursuant to Chap. 115, Laws of 2021 Sec. 7.A The standing order was adopted on this subject effective August 23, 2021. A copy of the standing order can be found on the Superior Court's web page located at:

[www.islandcountywa.gov/Superior Court/pages/Home.aspx](http://www.islandcountywa.gov/SuperiorCourt/pages/Home.aspx).

(b) Right to Counsel. Pursuant to Ch. 115, Laws of 2021, Secs. 8-9, hearings in unlawful detainer cases may be continued to afford the tenant an opportunity to obtain counsel at the court's discretion and for time frames as allowed by law.

[Adopted effective September 1, 2021; amended September 1, 2022.]

**LSPR 96 (NO LOCAL RULES)
ESTATES, PROBATES, GUARDIANSHIPS**

**PART III
LOCAL GUARDIAN AD LITEM RULES (GALR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2022**

GALR 1-4 (NO LOCAL RULES)

GALR 5 APPOINTMENTS OF GUARDIANS AD LITEM

(a) Equitable Distribution of Workload. The parties may agree to appointment of a specific guardian ad litem from the court-approved list; if they do not agree, the party or party shall bring a motion before the court for a specific guardian ad litem to be appointed. A guardian ad litem has the right to decline to serve in a particular case. If a guardian ad litem declines to serve, the parties shall select a different guardian ad litem, using the same selection process by which the preceding guardian ad litem was selected.

(b) Appointment of Guardian ad Litem at Public Expense. If the Court has appointed a guardian ad litem (GAL) pursuant to RCW 26.12.175, the parties are required to pay the costs and fees of the GAL in the proportion determined by the Court. However, if a party to a family law case is financially unable to pay those costs, that party may apply to have a GAL appointed at public expense. Applications for the appointment of a GAL at public expense shall be submitted to the Court Facilitator who will then assist the applicant by identifying proper forms to file with the Court, including a motion

and supporting documentation and declarations. A person requesting the appointment of a GAL at public expense shall do so within fifteen (15) days of the date of the entry of an Order appointing a GAL. The failure to make timely application may result in the denial of a party's request.

[Adopted effective September 1, 2022.]

(c) Procedure to Address Complaints. Any complaints made by a guardian ad litem regarding registry or appointment matters shall be written and given to the court administrator.

[Amended effective September 1, 2020.]

GALR 6 LIMITED APPOINTMENTS (NO LOCAL RULES)

GALR 7 GRIEVANCE PROCEDURES

(a) Clear and Concise. (No Local Rules)

(b) Separate Procedures. All complaints or grievances made by or against a guardian ad litem shall be in writing and shall be submitted to the court administrator. All complaints or grievances must bear the signature, name and address of the person filing the complaint, and the case number of the action.

(1) *Pending Cases.* Upon receipt of the written complaint or grievance, the court administrator shall check to see if the complaint or grievance involves a pending case. If the complaint or grievance involves a pending case, the court administrator shall send out a form letter no later than 14 days after receiving the complaint or grievance advising the complainant that the matter must be handled in context of the pending case, either by seeking the removal of the guardian ad litem or by contesting the information or recommendations contained in the guardian ad litem's report or testimony.

(2) *Grievances Filed Subsequent to Conclusion of Case.* If the complaint or grievance does not involve a pending case and the time for appeal has expired or any appeal has been concluded, the court administrator shall assign the complaint or grievance to the judge who was not assigned to the case. The reviewing judge shall then investigate the complaint or grievance and respond in writing to the complainant or grievance within 30 days of receiving such complaint or grievance, informing the complainant of the action that will be taken. The reviewing judge shall either determine that the complaint or grievance has no merit on its face and decline to review the

complaint or grievance and so inform the complainant, or determine that the complaint or grievance has potential merit and inform the complainant that the guardian ad litem has been requested to respond to the complaint or grievance. The reviewing judge shall provide the complainant with a copy of these grievance procedures.

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

(c) Fair Treatment of Grievances. (No Local Rules)

(d) VGAL Grievance Procedure.

Grievances against any Volunteer Guardian ad litem (VGAL) shall be handled as set forth in the Island County VGAL Volunteer Policies and Procedures, a copy of which is available from the VGAL director upon request.

(e) Confidentiality. A complaint or grievance shall be deemed confidential for all

purposes unless the reviewing judge has made a final determination that the complaint or grievance has merit. Any record of complaints or grievances filed which involve a pending case or which are not deemed by the reviewing judge to have merit shall be confidential and shall not be disclosed except by court order, upon good cause shown, after the person against whom the complaint or grievance was brought has been given notice and an opportunity to be heard.

(f) Response to Complaint. If the reviewing judge determines that the complaint or grievance has potential merit, the reviewing judge shall inform the guardian ad litem in writing within 30 days of receiving the complaint or grievance that a complaint or grievance has been brought against him or her which has potential merit and request the guardian ad litem to make a written response to the complaint or grievance within 20 days. The reviewing judge shall provide the guardian ad litem with a copy of these grievance procedures and a copy of the original complaint or grievance.

(g) Complaint Resolution Time Standards; Procedures.

(1) *Time.* Complaints or grievance filed subsequent to the conclusion of a case shall be resolved within 60 days of the date of receipt of the written complaint or grievance. A copy of the reviewing judge's written final determination shall be mailed to the guardian ad litem and to the complaining party.

(2) *Final Determination.* Upon receipt of a written response to a complaint or grievance, the reviewing judge shall make a final determination either (i) that the complaint or grievance has no merit and dismiss the complaint or grievance, or (ii) that the complaint or grievance has merit and

impose sanctions or discipline, if appropriate.

(3) *Sanctions/Discipline.* The reviewing judge shall have the authority to issue a written admonition or a written reprimand, refer the guardian ad litem to additional training, suspend, remove the guardian ad litem from the registry, or impose other appropriate sanctions. In considering an appropriate form of discipline, the reviewing judge shall take into consideration any prior complaints or grievances that resulted in an admonition, reprimand, referral to training, suspension, removal from the registry, or any other mitigating or aggravating factors.

(4) *Finality of Disposition.* All resolutions of complaints or grievances shall be final and not subject to further appeal, except removal of a guardian ad litem from the registry. The complainant and the guardian ad litem shall be notified in writing of the reviewing judge's final determination and in the case of an appeal, the final disposition and any sanctions imposed.

(5) *Appeal Process.* A guardian ad litem who has been removed from the registry may appeal to the Superior Court bench by written notice to the Presiding Judge within ten (10) days of receipt of a written notice of removal from a registry. The notice of appeal shall clearly state the basis for the appeal. The Superior Court bench shall consider the written material considered by the reviewing judge and any written communication from the guardian ad litem. Neither the guardian ad litem nor any complainant may personally appear to argue issues to be considered by the Superior Court bench on such appeal. The Superior Court bench shall inform the parties of the final disposition of the appeal in writing within 20 days of receipt of the appeal.

(h) Records of Grievances. (No Local Rules)

(i) Removal from Registry.

(1) *Removal from Other Local Registries.* If the guardian ad litem against whom the discipline is directed is listed on more than one registry within the court in which the guardian ad litem is practicing, the suspension or removal may apply to each local registry the guardian ad litem is listed on, at the reviewing judge's discretion.

(2) *Notice to Office of Administrator of the Courts.* Notice of removal of the guardian ad litem from a county's registry shall be sent to the Office of Administrator of the Courts after the guardian ad litem's appeal process has concluded or expired.

(j) Implementation. (No Local Rules)

PART IV
LOCAL CRIMINAL RULES (LCrR)
ISLAND COUNTY SUPERIOR COURT
Effective September 1, 2022

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

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

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

LCrR 3.1 – 3.3 (No Local Rules)

LCrR 3.4 Presence of the Defendant

(a) (No Local Rule)

(b) When Necessary. In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, the defendant shall be present, in person or remotely via video (at the Court's discretion,) for the following hearings:

- (1) Defendant's motion to waive right to jury trial;
- (2) Defendant's motion for continuance of trial date and waiver of speedy trial, unless the same is made at readiness hearing and the defendant's presence has been waived as provided in paragraph (5), below;
- (3) Any hearing at which the Court is required to conduct a colloquy with the defendant (e.g., request to self-represent);

(4) Evidentiary hearings conducted pursuant to CrR 3.5 and CrR 3.6;

(5) Readiness hearings, unless (i) the defendant's counsel affirms, in writing or in open court that the defendant has expressly chosen to appear through counsel, as allowed by CrR 3.4(a) and (ii) that defendant's counsel has affirmatively determined, through recent contact with the defendant, that the matter is ready to proceed to trial as scheduled or that a written motion for continuance of trial has been approved by the defendant has been filed.

If the Court finds that the defendant's physical presence or remote appearance via video is required at a hearing pursuant to this local rule, the Court will enter an appropriate order pursuant to CrR 3.4(d).

(Adopted effective September 1, 2022)

LCrR 4.2 PLEAS

(a) - (h) (No Local Rules)

(i) Authority of Court Commissioners. Court Commissioners qualified under Article 4, section 23 of the Washington Constitution are authorized to preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings pursuant to RCW 9.94A.200; accept guilty pleas as authorized in this local rule pursuant to RCW 2.24.040(15); appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances and accept waivers of the right to speedy trial.

LCrR 4.3 - 4.4 (No Local Rules)

LCrR 5 VENUE (Rules 5.1 - 5.2) (No Local Rules)

LCrR 6 PROCEDURES AT TRIAL (Rules 6.1-6.16)

LCrR 6.1 TRIAL BY JURY OR BY THE COURT

(a) Trial Brief or Memorandum. In criminal trials with contested legal or evidentiary issues, each party shall prepare a trial brief or memorandum of authorities containing the issues involved and the authorities supporting same and provide the same to the clerk, opposing counsel and

LCrR 4.5 OMNIBUS HEARING

(a) - (c) (No Local Rules)

(d) Motions. Unless otherwise scheduled, or as otherwise provided in an applicable emergency rule, motions in limine and other preliminary matters in criminal cases shall be heard at 8:30 a.m. on the first scheduled day of trial. All other pretrial motions in criminal matters shall be specially set with the court administrator at least ten (10) days prior to trial.

(e) - (h) (No Local Rules)

LCrR 4.6 – 4.10 (No Local Rules)

assigned judge by noon two (2) days prior to the date set for commencement of trial.

(b) Jury Instructions. LCR 51 shall apply in criminal trials.

(c) StarLeaf and Approved Video and Telephonic Appearances. The provisions of LCrR 8.2(b) and (c) below also apply to trials by jury and by the court.

LCrR 6.2 - 6.16 (No Local Rules)

LCrR 7 PROCEDURES FOLLOWING CONVICTION

(Rules 7.1-7.8) (No Local Rules)

LCrR 8 MISCELLANEOUS (Rules 8.1-8.9)

LCrR 8.1 TIME

Time shall be computed and enlarged in accordance with CR 6, and not by the civil local court rules.

LCrR 8.2. MOTIONS

(a) **Motion Calendar.** Criminal motion calendar shall be set at 1:30 p.m. on Monday.

(b) **StarLeaf and Approved Video and Telephonic Appearances.** Subject to the provisions of LCrR 3.4(b), oral argument and appearances by parties, witnesses or counsel on motions may be heard by telephone call or video conference through the Court's StarLeaf conferencing system that is currently in use by the court; or such other video and audio conferencing system as the court may from time to time adopt for use in hearings or trials. Prior leave of court is required for any party, attorney or witness to appear at a trial or evidentiary hearing by video. During the regular motion calendar, the court shall hear video and audio appearances in the order in which they are noted on the calendar, unless the court exercises its discretion to call cases in a different manner. Appearances by counsel and defendants by StarLeaf or other approved video and telephonic systems are not permitted in cases where the State and Local Criminal Court rules, U.S. Constitution or other laws require a defendant's personal appearance. Upon request by a party or defendant, the court may waive the requirement for a personal appearance and permit attendance at hearings by telephonic or video means if just cause exists to do so. Just cause shall include, but is not limited to a public health crisis, pandemic or physical or

mental health limitation on any attorney or defendant. Just cause shall not mean general inconvenience.

(c) **Equipment/Conduct.** Any person appearing in court via video or audio means shall eliminate, to the greatest extent possible, all ambient noise from the calling location and speak directly into a telephone headset or microphone. Persons appearing by video or telephone shall use equipment and an internet or telephone connection sufficient to allow clear communication. When using the StarLeaf system or any other similar system that may be adopted by the court for court appearances, the user shall keep their microphone on mute unless that person is speaking. All parties, attorneys and witnesses appearing at trial or special set hearing shall conduct themselves in the same manner as if the appearing party was present in court. Persons appearing in court via video shall arrange to appear in a suitably quiet and private location. Offensive or lewd screen names, backgrounds or filters are prohibited. Persons appearing in court via video shall remain seated, shall refrain from eating or drinking except during recesses, and shall not permit other persons to be in the room or location without express authorization from the Court.

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

LCrR 8.3- 8.9 (No Local Rules)

[Amended effective September 1, 2021.]

**PART V
LOCAL JUVENILE COURT RULES (LJuCR)
ISLAND COUNTY**

Effective September 1, 2022

TITLE I SCOPE AND APPLICATION OF RULES

LJuCR 1.1 – 1.3 (No Local Rules)

LJuCR 1.5 (No Local Rules)

**LJuCR 1.4. APPLICABILITY OF
OTHER RULES**

**LJuCR 1.6 VOLUNTEER GUARDIAN
AD LITEM PROGRAM**

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

This Island County Superior and Juvenile Court has a Volunteer Guardian ad litem program. Rules and details may be obtained from the director of the Volunteer Guardian ad litem program or Juvenile Court. [Amended effective September 1, 2021.]

TITLE II SHELTER CARE PROCEEDINGS

LJuCR 2.1-2.4 (No Local Rules)

**LJuCR 2.5 AMENDMENT OF
SHELTER CARE ORDER**

(a) **30-Day Shelter Care Review.** If a parent, guardian ad litem, or volunteer guardian ad litem wishes to contest placement of a child or any service ordered at the shelter care hearing, he or she must file

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

TITLE III DEPENDENCY PROCEEDINGS

LJuCR 3.1 - 3.8 (No Local Rules)

LJuCR 3.9 REVIEW HEARING

(a) **Department's Written Review Report.** A written review report shall be prepared by the department and shall be filed and served

on all counsel and parties not less than ten (10) days prior to the review hearing.

(b) **Notice of Contested Issues.** After receipt of the department's report, if a parent, guardian ad litem, or volunteer guardian ad litem wishes to contest any issue, he or she

must file and serve a notice of contested issues no later than three (3) court days before the hearing. The notice of contested hearing shall be accompanied by written evidence in support of the issue. Unless good cause is

shown, failure to provide timely notice of contested issues shall constitute a waiver of the right to contest any issue, except the department's permanency plan.

LJuCR 3.10-3.11 (No Local Rules)

TITLE IV PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1-4.3 (No Local Rules)

TITLE V PROCEEDINGS FOR CHILDREN IN NEED OF SERVICES

LJuCR 5.1-5.7 (No Local Rules)

TITLE 5A PROCEEDINGS FOR AT-RISK YOUTH

LJuCR 5A.1-5A.6 (No Local Rules)

TITLE VI. JUVENILE OFFENSE PROCEEDINGS – DIVERSION AGREEMENTS

LJuCR 6.1-6.6 (No Local Rules)

TITLE VII JUVENILE OFFENSE PROCEEDINGS IN JUVENILE COURT

LJuCR 7.1 - 7.2 (No Local Rules)

**LJuCR 7.3 DETENTION AND
RELEASE**

(a) - (f) (No Local Rules)

(g) Detention Facilities in Island County.

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

LJuCR 7.5-7.15 (No Local Rules)

**TITLE VIII DECLINING JUVENILE COURT JURISDICTION OVER AN
ALLEGED JUVENILE OFFENDER
LJuCR 8.1 – 8.2 (No Local Rules)**

**TITLE IX RIGHT TO LAWYER AND EXPERTS IN ALL JUVENILE COURT
PROCEEDINGS LJuCR 9.1 - 9.3 (No Local Rules)**

**TITLE X JUVENILE COURT RECORDS
LJuCR 10.1 - 10.9 (No Local Rules)**

TITLE XI SUPPLEMENTAL PROVISIONS

LJuCR 11.1-11.3 (No Local Rules)

**LJuCR 11.4 COURT SCHEDULES
FOR JUVENILE MATTERS**

See LCR 77(k)

**LJuCR 11.5. FINANCIAL
RESPONSIBILITY**

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

(b) **Assessment of Costs.** The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid

in a reasonable time unless a sworn financial statement is presented to the court at said proceeding justifying reduction or elimination of any such assessment, or there are other circumstances recognized by the court for reducing or not imposing the assessment.

(c) **Notice.** It shall be the duty of the Juvenile Court Services and/or the prosecuting attorney, to notify the parent or parents, guardian, or other person legally obligated to support the juvenile of this rule prior to said proceeding and to provide all necessary documents in order for such person to adequately prepare for said proceeding. Notice shall be provided to the parties five days in advance of any proceeding to assess costs.

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

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

regulations and shall forward such payments to the county treasurer.

(f) **Sanctions.** A show cause hearing with timely notice by Juvenile Court Services or the prosecuting attorney to the delinquent person or agency may be

held to inquire into the delinquency of the assessment and the sanctions available under RCW 13.16.085 and RCW 13.40.145.

LJuCR 11.6 – 11.22 (No Local Rules)

**SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND**

In re:

Petitioner,

and

Respondent.

Case No.

**COURT’S AUTOMATIC TEMPORARY
ORDER**

(LSPR 94(b))

I. NOTICE TO PARTIES

1.1 An action has been started in this court that affects your rights. Both parties are now required to obey the following order unless the court changes it. Either of you may ask the court to change or clarify this order. The court has the authority to punish violations of this order and to require the violator to pay attorney fees to the other party for having to bring the violation before the court.

1.2 The financial restraints in section 2.1 below and the requirement to fill out the attached “Verified Statement of Assets and Liabilities” only apply in actions for (1) dissolution of marriage, legal separation, or marriages declared to be invalid, or (2) non-marital relationships involving distribution of assets and liabilities.

II. ORDER

IT IS ORDERED:

2.1 TEMPORARY ORDERS FOR ALL PARTIES

(a) Both parties are restrained from transferring, removing, encumbering, concealing, damaging or in any way disposing of any property except in the usual course of business or for the necessities of life or as agreed in writing by the parties. Each party shall notify the other of any extraordinary expenditure made after this order is issued. Prior to taking any action, each party shall notify the other in writing, at least seven (7) days in advance, of any intent on that party’s part to transfer or dispose of any property or remove or transfer funds from any account “in the usual course of business or for the necessities of life.”

COURT’S AUTOMATIC TEMPORARY
ORDER-LSPR 94(b)

- (b) Both parties are restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties or of any dependent children, whether medical, health, life or auto insurance, except as agreed in writing by the parties.
- (c) Unless the court orders otherwise, both parties are responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties.
- (d) Both parties shall have access to all tax, financial, legal, and household records. Reasonable access to records shall not be denied without order of the court.
- (e) Within 30 days after the filing of any general appearance, answer or other responsive pleading, each party shall provide the other party with a **completed Financial Declaration (WPF DRPSCU 01.1550) and a Verified Statement of Assets and Liabilities** (form available at www.islandcounty.net/superiorcourt/forms or see Forms Appendix B herein). Each party shall then file a Declaration of Mailing showing that these documents have been provided to the other party within the time limit. In all cases involving a request for child support, maintenance or attorney fees, the completed Financial Declaration shall also be filed with the court. All parties have a duty to supplement the financial information when additional information becomes available.

2.2 TEMPORARY ORDERS FOR PARTIES WITH MINOR CHILD(REN).

- (a) Both parents are restrained from changing the residence of the child(ren) until further court order, except as agreed in writing by the parties.
- (b) Each parent shall have full access to the child(ren)'s educational and medical records, unless otherwise ordered by the court.
- (c) Each parent shall insure that the child(ren) are not exposed to negative comments about the other parent. Neither parent shall make negative comments about the other parent in the presence of the child(ren).
- (d) Within 30 days of filing an appearance, answer or other responsive pleading in this action, both parties shall register for a court-approved parent education seminar. Each party shall attend the seminar within 60 days of registering. Upon completion of the seminar, each party shall file with the court the seminar completion certificate provided by the sponsoring agency or provider. In no case shall opposing parties be required to attend a seminar together.
- (e) Within 14 days of completing the above-ordered parent education seminar, each parent shall provide the other parent with a Proposed Parenting Plan, if they have not already done so.

2.3 MEDIATION AND SETTLEMENT CONFERENCE

If the parties are not able to agree on the final terms of the Decree, they shall be required to participate in mediation of unresolved disputes. Mediation is not required in cases involving domestic violence. For purposes of this order, domestic violence has occurred in the relationship if (1) a domestic violence restraining order or protection order (excluding ex parte orders) involving the parties has been entered by a court at any time within the previous 12 months; (2) a domestic violence no contact order exists pursuant to RCW 10.99; or (3) the

COURT'S AUTOMATIC TEMPORARY
ORDER-LSPR 94(b)

court upon motion makes a finding that domestic violence has occurred between the parties and that such abuse would interfere with arm's-length mediation. If, after mediation, there remain unresolved issues, the parties may participate in a settlement conference, pursuant to LCR 16(d).

2.4 EFFECTIVE DATE OF ORDER

The Petitioner is subject to this order from the time of filing the Petition. **The Petitioner shall serve a copy of this on the Respondent and file a declaration of service in the court file.** The Respondent is subject to this order from the time that the order is served. This order shall remain in effect until further court order.

Dated: _____

JUDGE/Commissioner

[Amended effective September 1, 2020; September 1, 2021; September 1, 2022.]

[DO NOT FILE THIS DOCUMENT WITH THE COURT]

VERIFIED STATEMENT OF ASSETS AND LIABILITIES

LSPR 94(d)

(Attach additional sheets in the same form if necessary.)

Within 30 days after the filing of any general appearance, answer or other responsive pleading, each party shall provide the other party with a completed Financial Declaration (WPF DRPSCU 01-1550) and a Verified Statement of Assets and Liabilities.

Petitioner: _____ Respondent: _____ Case #: _____

Date of separation from Spouse: _____ Date Petition filed: _____

1. I am the [] Petitioner [] Respondent in this action.
2. To my knowledge, as of the date of separation, the following community and separate assets and liabilities existed. *(Note: Generally “Community assets” means those assets that were acquired during marriage, except by inheritance or gift. “Community liabilities” means all debts incurred during the marriage, regardless of whose name the debt is in. “Separate assets” means those assets owned before marriage, or acquired after separation, or acquired during the marriage by inheritance or gift. “Separate liabilities” means those debts incurred before the marriage or after separation.*

COMMUNITY ASSETS

SEPARATE ASSETS

Real Property:

1. _____
2. _____

1. _____
2. _____

Vehicles (autos, trailers, boats, etc.):

1. _____
2. _____
3. _____
4. _____

1. _____
2. _____
3. _____
4. _____

Bank Accounts:

Bank Name/Branch Account No.
1. _____
2. _____
3. _____
4. _____

Bank Name/Branch Account No.
1. _____
2. _____
3. _____
4. _____

Pensions/Retirement Accounts:

1. _____
2. _____

1. _____
2. _____

Business Interests:

1. _____
2. _____

1. _____
2. _____

Stocks/Bonds/Investments:

1. _____
2. _____
3. _____

1. _____
2. _____
3. _____

Life Insurance:

1. _____
2. _____

1. _____
2. _____

Household Goods/Furnishings/Appliances valued over \$250:

1. _____
2. _____
3. _____
4. _____
5. _____

1. _____
2. _____
3. _____
4. _____
5. _____

Sporting Goods/Tools & Equipment valued over \$250:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Jewelry/Artwork valued over \$250:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Electronics and Accessories valued over \$250:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Other:

- 1. _____
- 2. _____
- 3. _____

- 1. _____
- 2. _____
- 3. _____

COMMUNITY LIABILITIES

Mortgage:

Balance at Separation

Current Balance

- 1. _____
- 2. _____

\$ _____
\$ _____

\$ _____
\$ _____

Loans (vehicles/student/personal):

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____

Credit Cards:

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____

Other (overdue utility/phone bills, IRS, hospital/doctor bills, collection):

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____

Business Debts:

1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____

SEPARATE LIABILITIES

Describe type:

- | | | | |
|----|-------|----------|----------|
| 1. | _____ | \$ _____ | \$ _____ |
| 2. | _____ | \$ _____ | \$ _____ |
| 3. | _____ | \$ _____ | \$ _____ |
| 4. | _____ | \$ _____ | \$ _____ |
| 5. | _____ | \$ _____ | \$ _____ |

Since the time of separation, there has been the following substantial change in the assets listed above: *(NOTE: Describe how, when and why any of the above assets were sold, traded, consumed or otherwise disposed.)*

I anticipate receiving the following in the future:

- a) **Inheritance** [] Yes [] No
- b) **Settlement proceeds from a lawsuit** [] Yes [] No
- c) **Settlement proceeds from a work-related injury** [] Yes [] No
- d) **Money owed to me by another** [] Yes [] No

I declare under penalty of perjury of the laws of the State of Washington that the above is true and correct to the best of my knowledge.

DATED this _____ day of _____, 20_____.
at _____, Washington.

 Declarant

**SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND**

In re:

Plaintiff/Petitioner,
vs.

Respondent/Defendant.

Case No.

PROOF OF MAILING OR DELIVERY
LSPR 94(d)

Proof of Mailing or Delivery

I declare:

1. I am (*check one*): the Petitioner the Respondent (*name*): _____
and am competent to be a witness in this case.

2. On (*date*): _____, I served copies of the documents listed in **3** below to
(*name of party or lawyer served*): _____ by:

mail (*check all that apply*): first class certified other _____

mailing address *city* *state* *zip*

email to (*address*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

fax to (*number*): _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

Hand delivery at (*time*): _____ a.m. p.m. to this address:

street address *city* *state* *zip*

I left the documents (*check one*):

- with the party or lawyer named above.
- at his/her office with the clerk or other person in charge.
- at his/her office in a conspicuous place because no one was in charge.

PROOF OF MAILING OR DELIVERY
LSPR 94(d)

- with *(name)*: _____,
at the address listed in court documents where the party agreed to receive legal papers for this case.
- (For a party or lawyer who has no office or whose office is closed)* at his/her home with *(name)*: _____, a person of suitable age and discretion who lives in the same home.

3. List all documents you served (check all that apply):

<input type="checkbox"/> Financial Declaration with all attachments	<input type="checkbox"/> Verified Statement of Assets and Liabilities
---	---

4. Other: _____

I declare under penalty of perjury under the laws of the state of Washington that the statements on this form are true.

Signed at *(city and state)*: _____ Date: _____

▶ _____
Signature of server

Print or type name of server

[Adopted effective September 1, 2020]

Superior Court of Washington, County of Island

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Notice of Hearing
(NTHG)

Clerk's action required: **1**

Notice of Hearing

To the Court Clerk and all parties:

1. A court hearing has been scheduled:



for: _____ at: _____ a.m. p.m.
date *time*

at: the Law & Justice Center, 1st Floor, 101 North East 6th Street, Coupeville, WA

docket / calendar or judge / commissioner's name

2. The purpose of this hearing is (specify): _____

Warning! If you do not go to the hearing, the court may sign orders without hearing your side.

This hearing was requested by: Petitioner or his/her lawyer Respondent or his/her lawyer

▶ _____
Person asking for this hearing signs here

_____ *Print name (if lawyer, also list WSBA #)* _____ *Date*

I agree to accept legal papers for this case at:
_____ *address*

_____ *city* _____ *state* _____ *zip*

(Optional) email: _____

This does **not** have to be your home address. If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the *Notice of Address Change* form (FL All Family 120). A party must also update his/her *Confidential Information* form (FL All Family 001) if this case involves parentage or child support.

If you require an interpreter and/or ADA accommodations, please provide a minimum of 10 days' advance notice to the court at 360-679-7363. TTY/TTD users please call the Washington Relay Service at 1-800-833-63.88

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SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND

In re:

Case No.

Plaintiff/Petitioner,

vs.

NOTE FOR TRIAL SETTING

LCR 40(b)(1)

Respondent/Defendant.

CLERK'S ACTION REQUIRED

TO THE CLERK OF THE COURT:

AND TO: _____

ADDRESS: _____

AND TO: _____

ADDRESS: _____

PLEASE TAKE NOTICE that the above captioned action is now fully at issue. The clerk is requested to note this case on the regular Trial Assignment Calendar.

Date requested for trial assignment: _____

(Monday – No Appearance) (See LCR 40(b)(1))

Nature of the case: _____

Issues in Dispute: _____

Estimated Length of Trial: _____

A Jury of 6 of 12 has has not been demanded.

Mandatory mediation under Local Rule LSPR 94(f)(1) does does not apply to this case.

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

Dated: _____

(Sign) _____

(Print Name) _____

Attorney for _____

WSBA# _____

Address: _____

Amended effective September 1, 2020

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SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND

In re:

Case No.

Plaintiff/Petitioner,

NOTICE OF CONFLICT DATES

vs.

LCR 40(b)(1)

Respondent/Defendant.

TO THE CLERK OF THE COURT:

AND TO: _____

ADDRESS: _____

AND TO: _____

ADDRESS: _____

PLEASE TAKE NOTICE that the above captioned case has been noted for trial assignment on the following date: _____.

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

Dates of Counsel's Unavailability	Reason for Unavailability	Reference (Court and Cause No.)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dated: _____

(Sign) _____

(Print Name) _____

Attorney for _____

WSBA# _____

Address: _____

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SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND

In re:

Case No.

Plaintiff/Petitioner,

vs.

Respondent/Defendant.

**STATEMENT OF READINESS
FOR TRIAL**
LCR 16(c)(4)

TO THE CLERK OF THE COURT:

AND TO: _____

ADDRESS: _____

AND TO: _____

ADDRESS: _____

COMES NOW _____ by and through his/her
attorney of record and pursuant to LCR 16(c)(4) certifies as follows:

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

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

Dated: _____

(Sign) _____

(Print Name) _____

Attorney for _____

WSBA# _____

Address: _____

[Amended effective September 1, 2020.]

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3 SUPERIOR COURT FOR WASHINGTON
4 COUNTY OF ISLAND

5 In re:

Case No.

6 _____
Plaintiff/Petitioner,

7 vs.

8 _____
Respondent/Defendant.

**ORDER TO SHOW CAUSE
RE: PARENTING SEMINAR**
LSPR 94(e)(5)(D)

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

10 By *sua sponte* order of the court:

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

16 **IT IS FUTHER ORDERED:**

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

19 Date: _____

20 Time: _____

21 Place: _____

22 Room/Department: _____

23 IF YOU FAIL TO APPEAR IN PERSON AND DEFEND AT THESE PROCEEDINGS THE COURT
24 MAY ORDER SANTIIONS, INCULDING CONTEMPT OR FORFEITURE OF VISITATION,
AND/OR ISSUE A BENCH WARRANT FOR YOUR ARREST WITHOUT FURTHER NOTICE TO
YOU.

Other:

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

This order may be served by mail.

Dated: _____

JUDGE/COURT COMMISSIONER

ORDER TO SHOW CAUSE
RE: PARENTING SEMINAR
LSPR 94(e)(5)(D)

FORMS APPENDIX H

**SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND**

In re:

Case No.

Plaintiff/Petitioner,

vs.

Respondent/Defendant.

**REQUEST FOR ENTRY OF DECREE
AND DECLARATION OF
JURISDICTIONAL FACTS**

(LSPR 94(g))

REQUEST: The petitioner requests immediate entry of Findings and Conclusions about a Marriage and Final Divorce Order, Final Legal Separation Order, or Invalid Marriage Order without a final hearing, and states:

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

TIME LIMITS: More than 90 days have elapsed since the date of _____, 20__, the date on which the Petition was filed, and _____, 20__, the date on which:

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

Or

- the summons and petition were personally served upon the respondent, *or*
- the summons was first published pursuant to an order for service by publication, *or*
- the summons and petition were mailed pursuant to an order for service by mail.

MARRIAGE &
SEPARATION:

The parties were married on _____, _____, (date) at
_____, (city and state) and separated on
_____, 20____.

- The marriage is irretrievably broken, *or*
- The parties wish to be legally separated, *or*
- The marriage of the parties is invalid.

PREGNANCY:

- Neither party is pregnant, *or*
- The _____ (Petitioner or Respondent) is pregnant. The father of the unborn child is the other party, not the other party, or undetermined.

DEPENDENT
CHILDREN:

- All dependent children of the marriage are identified in the Order of Child Support and the Child Support Worksheets are accurate.

PARENTING
CLASS:

- Both parties have completed the mandatory court-approved parent education seminar and the certificates of completion are attached.
- The parent education seminar has been waived by the court.

PROPERTY &
DEBTS:

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

MEDIATION:

- The parties have complied with mandatory mediation and a certification of completion by the mediator is attached.
- Mediation has been waived by the court.
- All issues were resolved by agreement and mediation was not required.

IF DEFAULT:

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

PERJURY

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

Dated _____
at _____, Washington

Signature of Petitioner

Presented by:

Approved, notice of presentation waived:

Signature of Petitioner's Attorney

Signature of Respondent's Attorney

Signature of Respondent

[Amended effective September 1, 2020; September 1, 2022.]

**SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND**

In re:

Plaintiff/Petitioner,

vs.

Respondent/Defendant.

Case No.

PRE-TRIAL AFFIDAVIT OF:

- Petitioner
 Respondent
(LSPR 94(h))

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

I. PERSONAL DATA

Name: _____, Age: _____ Occupation: _____

Marriage/Relationship date: _____ Employer: _____

Separation date: _____ Gross monthly income: _____

Child's name: _____, Age: _____ Net monthly income: _____

Child's name: _____, Age: _____ Other income: _____

II. SUGGESTED RESIDENTIAL TIME FOR CHILDREN

With Petitioner _____

With
Respondent

III. SUGGESTED CHILD SUPPORT

If child support is at issue, complete and file an updated set of Washington State Child Support Worksheets and your most current pay stubs for the last four months. Based on current Worksheets, the presumptive amount of child support for ____ children is \$ _____ per month. Child support should be set at \$ _____ per month, because _____

IV. SUGGESTED MAINTENANCE

If maintenance is at issue, complete and attach the updated Washington State Financial Declaration and page 1 – 2 of the Washington State Child Support Worksheets (showing income and deductions).

Maintenance of \$ _____ per month should be paid to the petitioner respondent, until _____, because _____

V. ASSETS AND DEBTS

If the other party *has not yet filed a Pretrial Affidavit:* fill in and attach four separate schedules, listing each community asset, separate asset, community debt, and separate debt. For each item, insert your figures in the appropriate columns for “Petitioner” or “Respondent.”

If the other party *has filed a Pretrial Affidavit:* on their four schedules, add your own figures for each item in the appropriate columns. If the other party omitted any assets or debts, add them to the appropriate schedule. Attach copies of your completed schedules.

Transfer your totals from the Community Assets and Community Debts schedules to this chart, showing your proposed division of community property and debt:

	Petitioner	Respondent
Community Assets:		
Community Debts:		
Subtract Debts from Assets:		
Proposed judgment transfer (+/-):		
FINAL TOTALS:		

VI. OTHER FACTORS

List any other factors which you believe should be considered by the court, such as special income situations, physical disabilities, dependent children of other relationships, etc.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Signed this _____ day of _____, at _____, Washington.

 Petitioner/Respondent

DATED _____ By: _____

Attorney for _____ WSBA No. _____

Article I. COMMUNITY ASSETS

Asset #	Description of Community Asset	Related Debt #	Petitioner's Position			Respondent's Position		
			Fair Mkt Value	To Petitioner	To Respondent	Fair Mkt Value	To Petitioner	To Respondent
CA-1								
CA-2								
CA-3								
CA-4								
CA-5								
CA-6								
CA-7								
CA-8								
CA-9								
CA-10								
CA-11								
CA-12								
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CA-19								
CA-20								
CA-21								
CA-22								
CA-23								
CA-24								
COMMUNITY ASSET TOTALS:								

Article II. SEPARATE ASSETS

Asset #	Description of Separate Asset	Related Debt #	Petitioner's Position			Respondent's Position		
			Fair Mkt Value	To Petitioner	To Respondent	Fair Mkt Value	To Petitioner	To Respondent
SA-1								
SA-2								
SA-3								
SA-4								
SA-5								
SA-6								
SA-7								
SA-8								
SA-9								
SA-10								
SA-11								
SA-12								
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SA-20								
SA-21								
SA-22								
SA-23								
SA-24								
SEPARATE ASSET TOTALS:								

Article III. COMMUNITY DEBTS

Asset #	Description of Community Debt	Related Asset #	Petitioner's Position			Respondent's Position		
			Balance at Separation	To Petitioner	To Respondent	Balance at Separation	To Petitioner	To Respondent
CD-1								
CD-2								
CD-3								
CD-4								
CD-5								
CD-6								
CD-7								
CD-8								
CD-9								
CD-10								
CD-11								
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CD-21								
CD-22								
CD-23								
CD-24								
COMMUNITY DEBT TOTALS:								

Article IV. SEPARATE DEBTS

Asset #	Description of Separate Debt	Related Asset #	Petitioner's Position			Respondent's Position		
			Balance at Separation	To Petitioner	To Respondent	Balance at Separation	To Petitioner	To Respondent
SD-1								
SD-2								
SD-3								
SD-4								
SD-5								
SD-6								
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SD-22								
SD-23								
SD-24								
SEPARATE DEBT TOTALS:								

**SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND**

In re:

Petitioner,

and

Respondent.

Case No.

**CERTIFICATE OF COMPLETION
OF MEDIATION**

(SPR94.04(f)(12))

Pursuant to LSPR 94(f)(12), the following certificate of completion is provided by the mediator and must be filed with the clerk of the court prior to trial.

NAME OF ISLAND COUNTY APPROVED MEDIATOR:

DATE PARTIES COMPLETED MEDIATION:

AGREEMENT WAS / WAS NOT REACHED.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at (*city and state*): _____ Date: _____

(*signature*)

(*printed name*)

[Adopted effective September 1, 2021.]

ISLAND COUNTY SUPERIOR COURT
CONDUCT AND DRESS CODE
LCR 77(b)(1)(A)

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

1. No firearms or other weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. All persons shall turn off all cell phones, pagers, and other electronic devices when in the courtroom.
4. No audio or video recording of any kind shall be allowed in the courtroom or online, except by official court personnel, unless authorized by the court, in accordance with General Rule 16.
5. All persons in the courtroom shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - All adults and minors over the age of six shall wear shoes and clothing sufficient to cover their torsos.
 - Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and “flip-flop” footwear, shall not be worn.
 - Attorneys shall wear professionally appropriate attire.
6. All persons in the courtroom shall in their speech and actions conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - All persons shall refrain from any gestures and from conduct or behavior, which manifests disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel, or other persons.
 - All persons shall refrain from use of gratuitous profanity, slurs, or other offensive language.
 - Children shall be closely controlled by adults inside and outside the courtrooms.

Amended effective September 1, 2020

COURTROOM DECORUM AND PRACTICE GUIDELINES AT TRIALS &
JUDICIAL PROCEEDINGS
LCR 77(b)(1)(B)

PREFACE

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

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

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

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

Application

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

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

COURTROOM DECORUM

I. General Courtroom Decorum

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel.
- D. Do not interrupt. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these guidelines out of the presence of the jury. After the court has ruled, ask the court's permission before arguing further.
- F. Advise clients and witnesses of the formalities of the court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to self-represented parties.
- G. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
- H. Courtrooms equipped for videotaped or digital recording/reporting may require special precautions, such as remaining near a microphone.
- I. Treat everyone in the courtroom with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, age, disability, sexual orientation, or marital status.

II. General Trial Conduct

- A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a party's willingness or unwillingness to stipulate.
- B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expression or labels such as "girl," "gal," or "boy." Address jurors individually or by name only during *voir dire*. Counsel shall maintain a reasonable distance from jurors, witnesses, opposing counsel and court personnel so as to minimize the risk of spreading infectious diseases to persons in the court room.
- C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should generally be made to the court out of the jury's hearing.
- D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the court or the jury.
- E. Avoid expressing an opinion to the jury about the testimony of a witness, a ruling of the court, or argument of counsel through exaggerated facial expressions or other contrived conduct.
- F. When practical, give the court advance notice of any legal issue that is likely to be complex, difficult, and which you expect to require argument.

- G. Do not argue the case in the opening statement.
- H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.
- I. Address your remarks to the court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.
- J. Only attorneys, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the court.

III. Examination of Witnesses

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

IV. Exhibits and Documents

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

V. Scheduling

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

VI. Preferences of Individual Judges

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

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

VII. Discovery

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

VIII. Depositions

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

SUPERIOR COURT FOR WASHINGTON
COUNTY OF ISLAND

In re:

Case No. _____

Plaintiff/Petitioner,

**STIPULATION TO MODIFY
EMAIL SERVICE PROCEDURE**

vs./and

Respondent/Defendant.

The parties to this proceeding, by and through their respective attorneys or individually if representing themselves, stipulate and agree as follows:

The provisions for email service of documents, other than a summons, complaint or petition (original process) as permitted by Island County Local Court Rule 5(b), are hereby modified as follows:

- Neither party shall be permitted to serve by email.
- Documents to be served by email shall be limited to _____ megabytes per _____ day/ _____ email.
- Each party agrees to be served with _____ discovery requests/ _____ discovery responses by email.
- The _____ (identify party or parties) does **not** wish to have hard copies delivered by U.S. mail or otherwise after email service has been made.

Confirmation of email service may be made by the following

means: _____.

The parties further stipulate and agree as follows: _____

Dated effective this ____ day of _____, 20__
at _____, Washington

Party or lawyer name

Party or lawyer name

Signature of attorney or party
WSBA # _____
Attorney for _____

Signature of attorney or party
WSBA # _____
Attorney for _____

Superior Court of Washington, County of Island

Petitioner/Plaintiff (*person/s who started this case*):

And

Respondent(s)/Defendant(s) (*other party/parties*):

No. _____

Notice of Readiness

(Motion for Reconsideration - LCR 59(b)(5))

Clerk's action required

To the Court Clerk and all parties:

The above named _____ (designate moving party) filed a Motion for Reconsideration of the Court's decision entered on _____ (date). The Motion for Reconsideration was filed on _____ (date). Ten (10) days has expired from the date of filing and date of service of the motion on the opposing party. I certify that this matter is now ready for a ruling on the Motion.

Date: _____

▶ _____
(signature of moving party)

(printed name)

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