Local Rules for Whitman County Superior Court

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Whitman County Local Administrative Rules (WCLAR)

WCLAR 1. Scope and Purpose.

(a) **Classification of Local Rules.** The Local Rules for Whitman County Superior Court are adopted for the management and operation of the court. These local rules shall be classified and organized as follows:

Rules	Citation Form	Purpose
Whitman County Local Administrative Rules	WCLAR	Governs the general operation and the internal management of Whitman County Superior Court
Whitman County Local Civil Rules	WCLCR	Governs local procedures in civil cases filed in Whitman County Superior Court
Whitman County Local Guardian ad Litem Rules	WCLGALR	Governs local procedures concerning cases where the court appoints a guardian ad litem
Whitman County Local Criminal Rules	WCLCrR	Governs local procedures in criminal cases filed in Whitman County Superior Court
Whitman County Local Juvenile Court Rules	WCLJuCR	Governs local procedures in juvenile court cases filed in Whitman County Superior Court
Whitman County Local Family Law Civil Rules	WCLFLCR	Governs local procedures in family law cases filed in Whitman County Superior Court

(b) **Effective Date.** Pursuant to GR 7(a), the Whitman County Local Administrative Rules (WCLAR) take effect on July 1, 2009, as such rules describe only the internal management and organization of Whitman County Superior Court. All remaining rules, unless otherwise noted at the end of a particular rule, shall take effect on September 1, 2009.

[Effective July 1, 2009]

WCLAR 2. Superior Court Administrator.

(a) **Appointment.** The Whitman County Superior Court Administrator shall be appointed by the Superior Court Judge, and shall serve at the pleasure of the Judge.

(b) **Powers and Duties.** Under the direction and supervision of the Superior Court Judge, the powers and duties of the Court Administrator shall include, but are not limited to the following:

(1) Administer all non-judicial activities of the court, including case scheduling and caseload management.

(2) Prepare and administer the budget of the court.

(3) Manage and administer the financial affairs of the court.

(4) Represent the court in dealing with the Washington State Administrative Office of the Courts.

(5) Assist the Judge in representing the court on all management matters in dealing with governmental bodies and other public and private groups having an interest in the administration of the court.

(6) Provide secretarial services for the Superior Court Judge.

(7) Serve as Bailiff for jury trials and other court proceedings.

[Effective July 1, 2009]

WCLAR 3. Addresses of Court and Court Personnel.

(a) **Physical Address.** The Whitman County Superior Court is located on the second floor of the Whitman County Courthouse, 400 N. Main Street, Colfax, WA 99111.

(b) **Contact Information.** Contact information for Whitman County Superior Court departments and personnel is as follows:

(1) **Superior Court Clerk.**

Court Clerk	Shirley Bafus
Deputy Clerks	Brenda Cloninger Lorena Lynch
Mailing Address	P.O. Box 390, Colfax, WA 99111
Telephone	509-397-6240
Fax	509-397-3546
Web Page	www.whitmancounty.org/Page.aspx?pn=County+Clerk

(2) **Superior Court Administrator.**

Administrator	Sonya Miller
Mailing Address	P.O. Box 679, Colfax, WA 99111
Email	sonyam@co.whitman.wa.us
Telephone	509-397-6244
Fax	509-397-2728
Web Page	http://www.whitmancounty.org

(3) **Superior Court Judge.**

Judge	David Frazier
Mailing Address	P.O. Box 679, Colfax, WA 99111
Bench Copy Email	superiorcourt@co.whitman.wa.us
Telephone	509-397-6244
Fax	509-397-2728
Web Page	www.whitmancounty.org/Page.aspx?pn=Superior+Court

(4) **Juvenile Court Services.**

Administrator	Kimberly S. Kopf
Mailing Address	P.O. Box 598, Colfax, WA 99111
Email	kimk@co.whitman.wa.us
Telephone	509-397-5300
Fax	509-397-5591
Web Page	www.whitmancounty.org/Page.aspx?pn=Juvenile+Services

[Effective July 1, 2009]

WCLAR 4. Sessions of Court

(a) **Court Hours.** The court will be in session from 9:00 a.m. until 12:00 noon and from 1:30 p.m. until 5:00 p.m., except on law and motion day, when the court will be in session from 8:30 a.m. until 12:00 noon, and from 1:30 p.m. until 5:00 p.m.

(b) **Modification of Court Hours.** The court may modify court hours as may be deemed appropriate on a case-by-case basis.

[Effective July 1, 2009]

WCLAR 5. Law and Motion Day

(a) **Day Established.** Except as otherwise ordered by the court, Friday of each week shall be law and motion day.

(b) **Civil Docket.** Civil cases heard on the law and motion docket shall include ex parte matters, adoptions, default and uncontested dissolutions, probate and guardianship issues, discovery motions, protection order hearings, unlawful detainer, family law, and other civil motions or issues of law that involve no more than 10 minutes on each side to present.

(c) **Criminal Docket.** Criminal matters to be heard on the law and motion docket shall include first appearances, bail hearings, arraignments, omnibus hearings, status and/or scheduling hearings, readiness hearings, sentencings, and criminal motions or issues of law involving no more than 10 minutes on each side to present.

(d) **Law and Motion Calendar.** The arrangement of the law and motion calendar shall be as follows:

8:30 a.m.	Civil Docket
10:00 a.m.	Criminal Docket
1:30 p.m.	Criminal Sentencings
3:00 p.m.	RALJ and Administrative Appeals, Mental Health Hearings, Specially-Set Hearings

(e) **Special Settings.** Law and motion matters requiring testimony and/or argument exceeding more than 10 minutes per side shall be specially set by the parties through the court administrator.

[Effective July 1, 2009]

WCLAR 6. Working Copies to Judge.

(a) **Delivery.** Bench copies of briefs, memoranda of law, affidavits, declarations, exhibits, and other legal documents requiring thorough consideration by the court shall be delivered to the judge's chamber an appropriate period prior to the trial or hearing thereon.

(b) **Manner of Delivery.** Bench copies may be delivered to chambers personally, by mail, by fax, or by electronic transmission via e-mail attachment.

(1) Electronic transmission via email attachment is the court's preferred method of receiving bench copies of documents. Such attachments shall be in Microsoft Word or Adobe Portable Document (PDF) format. The email address for purposes of the electronic delivery of bench copies is as follows: *superiorcourt@co.whitman.wa.us*.

(2) Delivery of bench copies by fax transmission will only be permitted for documents not exceeding 10 pages in length.

[Effective July 1, 2009]

WCLAR 7. Setting Cases for Trial and Other Hearings

(a) **Civil and Family Law Cases.** The Court Administrator is primarily responsible for setting civil and family cases for trial or other hearings that are not set on the law and motion calendar. The court administrator will generally be involved in trial setting hearings, and counsel and/or parties involved in scheduling civil and domestic cases are encouraged to confer with one another and with the court administrator as to available dates. In lieu of a trial setting hearing, counsel and/or the parties may schedule trial dates through a joint telephone or other conference directly with the court administrator.

(b) **Criminal Cases.** The scheduling of hearings and trials relating to criminal matters will generally be handled by the judge in open court and in the presence of the defendant and counsel. Suppression and other evidentiary hearings or special criminal hearings, however, shall be scheduled by counsel through a joint telephone or other conference directly with the court administrator.

[Effective July 1, 2009]

WCLAR 8. Exhibits

(a) **Pre-Marking.** Counsel shall arrange with the clerk for the marking of all exhibits prior to trial. Generally, the plaintiff or petitioner will be assigned exhibit numbers 1 through 199, and the defendant or respondent will be assigned exhibit numbers 200 through 299.

(b) **Copies.** Unless the making of copies is impractical, legible copies of exhibits shall be furnished to opposing counsel and the court, numbered the same as marked by the clerk. This rule shall not apply to rebuttal or impeachment exhibits not required to be offered in the party's case in chief.

(c) **Organization.** Where possible, counsel shall organize the original set of exhibits, and the copies for the court and opposing counsel or party in numerical order in a loose leaf notebook or similarly organized fashion.

[Effective July 1, 2009]

WCLAR 9. Telephone Hearings

(a) **Telephone Hearings Allowed.** Hearings on issues not involving witness testimony, and most other pretrial motions, including brief summary judgment motions, may be heard by telephone conference call in lieu of a personal appearance by counsel and/or a party.

(b) **Arranging Telephone Hearings.** Telephone conference call hearings shall be arranged through the court administrator.

(c) **Conduct of Telephone Hearings.** The judge shall conduct telephone hearings in open court and on the record by use of the courtroom speaker telephone system.

(d) **Cost of Telephone Hearings.** Unless otherwise agreed, the attorney or party initiating a hearing by telephone shall bear the cost of the conference call. If the conference call is placed by the court, the court may, in its discretion, charge for such service.

[Effective July 1, 2009]

WCLAR 10. Witness Testimony By Telephone.

(a) **Witness Testimony By Telephone.** If agreed by all parties involved in a case, witness testimony may be presented by telephone in lieu of a personal appearance by the witness.

(b) **Arranging Telephone Testimony.** The attorney or party intending to call a witness by telephone is responsible for arranging the timing and availability of the witnesses' testimony, and for obtaining a telephone number where the witness can be immediately reached. Calls to witnesses will be placed in court on the courtroom speaker telephone system.

(c) **Cost of Telephone Testimony.** The attorney or party calling a witness by telephone shall pay the court's charge for such service at the rate of $20.00 for each half hour or part thereof of the duration of the call. In appropriate cases, this charge may be waived by the court.

[Effective July 1, 2009]

Whitman County Local Civil Rules (WCLCR)

WCLCR 40(b). Method of Setting Matters for Trial. WCLAR 7(a) shall govern the method and manner of setting civil case or other hearings, except matters to be heard on the Law and Motion Docket, in Whitman County Superior Court.

[Effective July 1, 2009]

WCLCR 43(a)(1). Witness Testimony by Telephone. The presentation of witness testimony at trial or other evidentiary hearing is governed by WCLAR 9.

[Effective July 1, 2009]

WCLCR 43(e)(1). Evidence in Default and Uncontested Dissolution of Marriage Cases. In default and uncontested dissolution of marriage cases, the jurisdictional evidence and other testimony in support of the petition may be presented through Findings of Fact and Conclusions of Law verified by the petitioner, respondent, or both, or through a separate affidavit or declaration of either or both of the parties. The final paperwork in default and uncontested dissolution of marriage cases may be presented to the judge in chambers or by mail, in lieu of an appearance at a court hearing.

[Effective July 1, 2009]

WCLCR 47(a). Examination of Jurors.

(a) **Struck Jury Method.** Unless otherwise ordered in a particular case, the "struck jury" method shall be utilized for jury selection in civil trials in Whitman County Superior Court. Under this method:

(1) Jurors shall be each given a number and will be seated in numerical order in the spectator section of the courtroom;

(2) The lawyers will be given an equal amount of time to question prospective jurors;

(3) When a juror is struck or excused, the jury panel will consist of the first 12 jurors in numerical order then remaining;

(4) If a party passes on a peremptory challenge, the party accepts the first 12 jurors then existing, and that party cannot thereafter exercise a peremptory challenge against any one of these 12 jurors. Passing on a peremptory challenge does not waive the right to exercise an available peremptory challenge against any of the other prospective jurors.

[Effective September 1, 2009]

WCLCR 77. Whitman County Superior Court; Sessions of Court.

(f) Sessions. Whitman County Superior Court shall hold sessions in accordance with the hours set forth in WCLAR 4.

(k) Motion Day. The schedule for law and motion days in Whitman County Superior Court is set forth in WCLAR 5.

[Effective July 1, 2009]

WCLCR 80(b). Electronic Recording. Pursuant to WCLAR 11, the official record of all court proceedings in Whitman County Superior Court shall be recorded and maintained on electronic or mechanical recording devices.

[Effective July 1, 2009]

Whitman County Local Guardian ad Litem Rules (WCLGALR)

WCLGALR 7. Grievance Procedures. The following policies and procedures shall govern the filing, investigating, and adjudication of grievances made by or against guardians ad litem under Titles 11, 13, and 26 RCW:

(a) Submission of Complaints. All complaints must be in writing and must be submitted to the Superior Court Presiding Judge. All complaints must bear the signature, name, and address of the person filing the complaint.

(b) Review of Complaint. Upon receipt of a written complaint, the Presiding Judge shall review the complaint or in the case of a conflict, refer the complaint to another judge or court commissioner.

(c) Findings and Action on Complaint. The reviewing judge shall either:

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

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

(3) Make a finding that the complaint appears to have merit and request a written response from the guardian ad litem or other person, against whom the complaint is brought within 10 business days, detailing the specific issues in the complaint to which the reviewing judge desires a response. The reviewing judge shall provide the guardian ad litem or other person against whom the complaint is brought with a copy of the original complaint. In considering whether any complaint against a guardian ad litem has merit, the reviewing judge shall consider whether the complaint alleges the guardian ad litem has (i) violated a code of conduct, (ii) misrepresented his or her qualifications to serve as a guardian ad litem, (iii) breached the confidentiality of the parties, (iv) falsified information in a report 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 a 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 guardian ad litem in question.

(4) Response and Findings on Complaint. Upon receipt of a written response to a complaint, the reviewing judge may schedule a hearing, request additional materials, or enter a decision based upon the review of the record alone. The

reviewing judge shall make a finding as to each of the specific issues in the complaint to which the reviewing judge desired a response as delineated in the judge's letter to the person against whom the complaint is brought. Such finding shall state that either there is no merit to the issue based upon the response or that there is merit to the issue.

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

(e) Notice of Decision. The complainant and the person against whom the complaint is brought shall be notified in writing of the reviewing judge's decision following the receipt of the response to the complaint.

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

(g) Processing Standards. Complaints shall be resolved within 25 days of the date of receipt of the written complaint if a case is pending. Complaints shall be resolved within 60 days of the date of receipt of the written complaint if the complaint is filed after the conclusion of the case.

(h) Removal from Registry. When a guardian ad litem is removed from the court's registry pursuant to the disposition of a grievance hereunder, the court administrator shall send notice of such removal to the Administrative Office of the Courts. When the court administrator receives notice from the Administrative Office of the Courts that a guardian ad litem on the court's registry has been removed from the registry of any other Washington Superior Court, the court administrator shall advise of the judge of such removal.

[Effective September 1, 2009]

Whitman County Local Criminal Rules (WCLCrR)

WCLCrR 3.3. Time for Trial and Readiness Hearing.

(d)(1) Initial Setting of Trial and Readiness Hearing. At the time of arraignment, unless a delay is requested by either party and granted by the court, the court shall set the date for trial within the time limits prescribed by CrR 3.3.

(i) Readiness Hearing.

(1) At the time a criminal case is set for trial, the court shall also set a readiness hearing. The readiness hearing shall be set approximately 10 days before the date trial is scheduled to commence. Prior to such hearing, the following matters shall be concluded: (i) all plea bargaining, (ii) all hearings on motions to suppress and other legal and evidentiary pretrial issues, and (iii) the full exchange of discovery.

(2) At the conclusion of the readiness hearing, the court will no longer accept any plea bargaining arrangements. Thereafter, the case will be tried by jury, unless waived by the defendant, or concluded by guilty plea(s) to the original charge(s), or by a dismissal of the charge(s).

(3) A failure of the defendant to be present at the readiness hearing shall result in the issuance of a bench warrant for failure to appear and the vacation of the scheduled trial date.

(4) The requirements of this readiness hearing rule can be waived or modified only by order of the court.

[Effective September 1, 2009]

WCLCrR 4.5. Omnibus Hearing.

(d) Motions. The failure of a party to appear for the Omnibus Hearing or to submit a joint Summary Memorandum in accordance with subsection (h) hereof, may constitute a waiver of the subsequent filing of motions or the raising of issues, objections and errors required to be addressed at the Omnibus Hearing under CrR 4.5.

(h) Memorandum. In lieu of a hearing in open court and on the record, the Omnibus procedure set forth in CrR 4.5 may be complied with by the completion, submission and filing of a joint Summary Memorandum substantially in the form set forth in CrR 4.5(h).

(i) Appearance of Defendant. Unless ordered by the court, the appearance of the defendant at the Omnibus Hearing is optional and not mandatory.

[Effective September 1, 2009]

WCLCrR 6.4. Voir Dire and Juror Challenges.

Unless otherwise ordered by the court in a particular case, the "struck jury" method shall be utilized for jury selection in criminal trials in Whitman County Superior Court. The voir dire procedures in criminal trials shall be the same as the procedures adopted for civil trials under WCLCR 47(a).

[Effective September 1, 2009]

Whitman County Local Juvenile Court Rules (WCLJuR)

[Reserved]

Whitman County Local Family Law Civil Rules (WCLFLCR)

WCLFLCR 88. Parenting Seminars.

(a) Applicable Cases. This rule applies to family law cases including dissolutions, legal separations, and paternity actions (in which paternity has been established) where the parties are parents of children under the age of 18, and where a parenting plan or residential schedule is required or being sought. The rule also applies to parties in an action seeking a major modification of a parenting plan, as defined by RCW 26.09.260.

(b) Parenting Seminars; Mandatory Attendance. Within 60 days after service of a petition or initiating motion on the respondent, or, in the case of a paternity action, after the entry by the court of a finding of paternity, both parents shall participate in, and successfully complete, an approved Parenting Seminar. Successful completion shall be evidenced by a certificate of attendance filed by the provider agency with the court.

(c) Permissive Application. In additional cases arising under Title 26 RCW where a court makes a finding that a parenting seminar would be in the best interest of the children, both parents, and such non-parent parties as the court may direct, may also be ordered by the court to participate in a parenting seminar.

(d) Special Considerations/Waiver. The following special considerations and procedures for waiver apply to this rule:

(1) In no case shall opposing parties be required to attend seminars together.

(2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191, or that a parent's attendance at the seminar is not in the children's best interest, the court shall either:

i. Waive the requirement of completion of the seminar; or

ii. Provide an alternative, voluntary parenting seminar for battered spouses or battered domestic partners.

(3) The court may waive the seminar requirement by written order for one or both parents in any case upon written motion, and for good cause shown. Factors to be considered in determining good cause include, but are not limited to the following:

i. Whether the action will be resolved by default.

ii. Whether one or more of the parties reside out of the geographical area, and the availability of parent education programs where the parties reside.

iii. The ages of the children.

iv. Whether the parents have arrived at an agreed parenting plan which has been approved by the court.

(e) Fees. Each parent attending a seminar shall pay any fee charged by the approved seminar provider. Whitman County Juvenile Services will provide a parenting seminar that charges fees on a sliding scale based on the income and financial circumstances of participants, and will adopt procedures for waiving fees where a party is indigent. In no event will the court require completion of a parenting seminar where a party is indigent or where the seminar would cause a significant financial hardship.

(f) Failure to Comply. The failure of a party to participate in a required parenting seminar shall not be the basis for the court to deny entry of a final order in a family law case, and shall not excuse participation by the other parent. Willful refusal or delay by either parent in completing a parenting seminar may, however, constitute contempt of court, may result in the imposition of monetary terms, and may result in the striking of pleadings, entry of an order of default, or other sanctions imposed by the court.

[Effective July 1, 2009]