

Summary of proposed 2011 Local Rule changes

LCR 4

Asbestos cases will now be subject to LCR 4 and will receive a Case Schedule on filing.

LCR 7

Motions for Stay of Proceedings are to be heard by the judge assigned to the case, and if no judge is assigned, than by the Seattle Chief Civil Judge or the RJC Chief Judge. If the case is a family law case with children, it will be heard by the Chief UFC judge. All such orders shall specify a future date by which the case status will be reviewed.

LCR 26

Sections are renumbered to fit within the numbering scheme of the Civil Rules, making it less confusing. The rules on interrogatories, depositions and requests for admissions apply to the cases governed by a case schedule under LCR 4. The rule clarifies that motions to seal are governed by GR 15. When designating witnesses, a party must certify that any expert opinion set forth is actually the opinion of the expert (not the hoped for wish of the attorney) and that the expert has been retained and has reviewed relevant materials. No certificate is required from the expert; the certification is by the lawyer designating the expert.

LCR 41

Dismissals by the Clerk without notice to the parties has been eliminated. If a party fails to appear for an assigned trial, the trial judge may issue an order of dismissal without further notice being required, but the provision allowing the clerk to do so is eliminated as being inconsistent with the requirements of CR 41(b)(2). The rule also provides for dismissal if there is a failure to proceed to trial within 90 days of the review date of an order staying proceedings.

LCR 56

The parties may waive oral argument on summary judgment motions if they wish. The filing and serving of motion papers shall be governed by the normal motions rule LCR 7, except that the deadlines for filing will continue to be governed by CR 56. If one objects to the opposing party's evidence, the objection must be in the responsive pleading rather than a separate document. A separate submission continues to be allowed to object to nonconforming evidence filed in a reply, which is

due at least one court day before oral argument or submission without argument. If no objection is made than it is waived.

LCR 58

The requirement that a promissory note be filed before a judgment will be signed is stricken.

LCR 80

All transcripts of proceedings in superior court are now governed by the rule, including transcripts for appeals. RALJ transcripts from lower courts are not governed by the rule. The rule clarifies that the former practice of requiring submission of the draft transcript to the judge for correction before delivery of a final copy continues to be followed. Various certification requirements are set forth for transcriptionists, who must certify compliance with the rule. If one party requests a transcript, the reporter is required to give the opposing party prompt notice of the request. The notes of court reporters must be filed with the court within 30 days of the conclusion of the trial or proceeding.

KCLRALJ 7.1

The former local rule that allowed 24 page briefs is stricken and the state wide rule, RALJ 7.3(b) shall apply, limiting briefs to 18 pages will govern.

LGR 30

Trial by Affidavit documents are not to be e-filed.

LJuCR 3.2

For dependency petitions, the case area designation shall be based on the location of the DCFS office filing the petition.

LFLR 20

A new rule requires all un-represented parties in dissolution cases to attend an orientation program within thirty days of filing or service of process and, unless excused for financial hardship, pay a \$20 fee. Affirmative relief will be denied those who do not comply. Exceptions exist for out of county parties where there would be a hardship. Where a hardship exists, parties can review the materials on their own and file a declaration of compliance. Attendance at the Orientation Program shall not be required prior to emergency hearings or the issuance of restraining orders.

*This summary was prepared for KCBA members by Robert Wayne,
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