



King County

Department of Judicial Administration

Barbara Miner

Director and Superior Court Clerk

(206) 296-9300 (206) 296-0100 TTY/TDD

March 26, 2010

Andrew Prazuch, Executive Director
King County Bar Association
1200 Fifth Avenue, Suite 600
Seattle, WA 98101

RE: Proposed Changes to King County Superior Court Local Rules

Dear Mr. Prazuch:

Enclosed please find the proposed amendments to the King County Superior Court Local Rules pursuant to King County Local Rule 83. The Court will consider all comments, criticisms, and objections to the proposed amendments if received by April 30, 2010. Please send an e-mail to your members regarding the proposed amendments and direct them to send their comments to: lrcomments@kingcounty.gov

or:

Barbara Miner
Clerk of the Superior Court
ATTN: Local Rules
516 Third Avenue, Rm E609
Seattle, WA 98104

A copy of the proposed amendments is available in the Copy Centers of the Clerk's Offices, the King County Law Library in Seattle, the King County Law Library at the Regional Justice Center in Kent, and on the Clerk's web page at: <http://www.kingcounty.gov/courts/Clerk/Rules.aspx>. Kathei McCoy will send you the proposed amendments and a Clerk's Alert regarding the amendments via e-mail.

Thank you for all your help with this.

Sincerely,

Barbara Miner
Director and Superior Court Clerk

enclosure

Seattle:
516 Third Avenue Room E609
Seattle, WA 98104-2386

Regional Justice Center:
401 Fourth Avenue North Room 2C
Kent, WA 98032-4429

Juvenile Section:
1211 East Alder #307
Seattle, WA 98122-5598

The King County Superior Court welcomes comments on its proposed changes to the local rules. This cycle's proposed changes are modest. While the Bar submitted a significant packet of proposed changes to the Court for its consideration, the Court also received a letter from Supreme Court Justice Johnson requesting that work on new local rules cease. The Court therefore is primarily putting those rules out for comment which either 1) clarify an ambiguity within the current rule or 2) bring our local rules closer to the state court rules.

The proposed changes are summarized as follows:

LCR 7. CIVIL MOTIONS: This change reduces notice for motions from 6 to 5 days. This is a significant change to local practice, but makes the King County Local Rule consistent with the state rule.

LCR 26. Disclosure of Possible Lay and Expert Witnesses and Scope of Protective Order: This is an amendment of the comment to clarify an ambiguity concerning whether rebuttal witnesses must be disclosed.

LCR. 37. FAILURE TO MAKE DISCOVERY; SANCTIONS: This eliminates an ambiguity which arises when reading CR 26 and LCR 37 together by eliminating the provisions from LCR 37 and cross referencing CR 26(i).

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD: This proposed change corrects the lettering of the subsections of the rule.

LGR 30. MANDATORY ELECTRONIC FILING: This proposal moves summary judgment motions from the category of documents which may be e-filed, to the category of documents which must be e-filed. Additional clarifications to the e-filing rule are included.

RALJ Rules: This proposal makes permanent the RALJ Rules which the Court approved on an emergency basis on September 8, 2009. A proposed new change to KCLRALJ 3.1 regarding motions to consolidate is included.

The comment period will take place from March 29 through April 30. You may view the proposed changes either online at www.kingcounty.gov/court/clerk, or in person at the Clerk's Offices in the King County Courthouse, the Maleng Regional Justice Center, or the Juvenile facility. (For maps and address information, you may visit the website listed above). Copies are also available at the law libraries in both the King County Courthouse and the Kent Regional Justice Center.

If you would like to comment on the proposed rule changes, you may do so by submitting your comments via email to lrcomments@kingcounty.gov. Alternately, you may send your comments to the below address:

Barbara Miner
Director and Superior Court Clerk
Attn: Local Rules
516 Third Avenue, Room E609
Seattle, WA 98104

Following the comment period, the Court's Local Rules Committee will review all comments and make any necessary changes prior to adoption by the Court.

Submitted by Judge Douglass North, Chair of the King County Local Rules Committee



CLERK'S OFFICE ALERT

PROPOSED CHANGES TO KING COUNTY SUPERIOR COURT LOCAL RULES

Pursuant to King County Local Rule 83, the review and comment period for the proposed changes to the King County Superior Court Local Rules is open as of March 29, 2010. The Court will consider all comments received by April 30, 2010.

Copies of the proposed changes are available on the Clerk's website at: www.kingcounty.gov/courts/Clerk/Rules.aspx and are also available to view at the copy center in the Clerk's Offices in Seattle and in Kent.

Comments to the proposed rule changes should be in writing and directed to:

lrcomments@kingcounty.gov
or
Barbara Miner
Clerk of the Superior Court
ATTN: Local Rules
516 Third Avenue, Rm E609
Seattle, WA 98104

The rules with proposed changes include: LCR 7, 26, 37, 40, 82, LcrR 5.1, LGR 30, LRALJ 2.6, 3.1, 3.2, 7.1, 8.3, 9.2, 10.2, and 12.1. New rule: LRALJ 2.7

The final version of the rules as adopted by the Court after the review and comment period will become effective September 1, 2010.

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FOR MORE INFORMATION ON THIS TOPIC CONTACT:

Kathei McCoy at (206) 205-8451

ISSUED BY: Barbara Miner, Director and Superior Court Clerk

ISSUE DATE: March 26, 2010

ISSUE NO: 10-003



2010 PROPOSED LOCAL RULE CHANGES:

LOCAL CIVIL RULES

LCR 7. CIVIL MOTIONS

(b) Motions and Other Documents.....

(4) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion documents no later than ~~six~~ five court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on a judicial day. For cases assigned to a judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the judge's staff; for motions without oral argument, the assigned judge will consider the motion on the next judicial day.

LCR 26. DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES AND SCOPE OF PROTECTIVE ORDER.

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LCR ~~4(j)46(a)(3)(A)~~(requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LCR ~~446~~. All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section ~~(e)(f)~~ the rule specifically provides to the contrary.

LCR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

~~(e) Conference of Counsel. See CR 26(i). The court will not entertain any motion or objection with respect to Civil Rules 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules is served, willfully refuses to meet and confer, or having met, willfully refuses or fails to confer in good faith, the court may take appropriate action to encourage future good faith compliance.~~

~~(f) *Certificate of Compliance.* See CR 26(i). At the time of noting motion or objection for consideration, counsel for the moving or objecting party shall serve and file a certificate of compliance with this rule and enumerate therein the matters remaining for disposition by the Court.~~

(g) *Completion of Discovery.* Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (provided that deadlines shall be 28 days in all parentage cases and 35 days in all other family law proceedings as defined in LFLR 1). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced. ~~, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date.~~ Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

Official Comment

Paragraph (d) of this rule requires a party who disagrees with the scope of production, or who wishes not to respond to seek a protective order consistent with CR 37(d); a party may not withhold discoverable materials. *Physicians Insurance Exchange v. Fisons Corp.*, 122 Wn.2d 299 (1993) at 353 and 354; *Johnson v. Mermis*, 91 Wash. App. 127, at 133 (1998); *Pamelin Industries v. Sheen-USA, Inc.*, 95 Wn.2d 398 (1981). If a responding party does not fully respond and/or interposes objections, and if the responding party does not seek a protective order or obtain the agreement of the party seeking the discovery to narrow the requested discovery, upon motion, the Court will ordinarily impose sanctions for such failure. If the requested relief is sanctions, a motion to compel is not a prerequisite. See *Fisons*, supra, at 345.

~~[Rule 37(g)] If the parties agree in writing to permit discovery after the discovery cutoff, and it later becomes necessary to continue the trial date as a result of such discovery, the Court will ordinarily impose sanctions on one or more of the attorneys or parties. The parties can avoid this risk by moving in advance to extend the discovery cutoff, provided they can show good cause for the extension. See LCR 4(d).~~

If an attorney's or party's lateness in responding to discovery requests makes it necessary for another party to request an extension of the discovery deadlines, the Court should ordinarily impose sanctions on the attorney or party whose responses were late. If the attorney or party requesting extension of the discovery deadlines delayed unreasonably in taking action to enforce its discovery requests, subject to the limitations imposed by paragraph (e) of this rule (pertaining to conference of counsel), the Court may also impose sanctions upon the attorney or party requesting extension of the discovery deadline.

LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

- ~~(a)~~ *Location of Times and Calendars.* See LCR 7(b)(2).

~~(a)(b)~~ *Notice of Trial--Note of Issue.*

(1) **Assignment of case to Judge.** The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b) or 40(b)(2), a trial date and a case schedule, and will assign the case to a judge. Except as provided in LCR 40(b)(2), all motions, trials and other proceedings in a case shall be brought before the assigned judge.

(2) **Cases Not Assigned.** Cases not assigned a case schedule or judge on filing or where initial hearing is not held before the assigned judge:

(A) **Antiharassment Petitions.** See LCR 40.1(b)(2).

(B) **Certificate of Rehabilitation.** These shall be noted with oral argument before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center.

(C) **Family Law Proceedings.** See LFLR 5.

(D) **Frivolous Liens.** If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(E) **Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** See LCR 40.1(b)(2).

(F) **Marriage Age Waiver Petitions.** See LCR 40.1(b)(2) and LFLR 19.

(G) **Mental Illness Proceedings.** The hearings in mental illness proceedings shall be heard on the mental illness calendar.

(H) **Non Compliance Hearings.** Hearings on the return of orders to show cause for failure to comply with the case schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases, before the special master, commissioner or judge hearing that calendar.

(I) **Orders for Protection.** See LCR 40.1(b)(2).

(J) **Receivership Proceedings.** See LCR 40.1(b)(2).

(K) **Small Claims Appeals.** The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(L) **Status Conference (LFLR 4(e)).** The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases before the special master, commissioner or judge hearing that calendar.

(M) **Supplemental Proceedings.** Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(N) **Support Modifications (Trials by Affidavit).** See LFLR 14.

(O) Unlawful Detainer Actions. See LCR 40.1(b)(2).

(P) Vulnerable Adult Petitions. See LCR 40.1(b)(2).

(Q) Work Permits/Variances for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a Kent assignment.

(R) Writs.

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family Court department at the Maleng Regional Justice Center.

(ii) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(iii) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. See also LCR 40.1(b)(2)(S).

(3) Trial Dates. If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

(4) Motions to Consolidate. Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

(5) Notice of Trial. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(e) ~~(d)~~ Continuances/Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a

new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f)(e) Change of Judge. For affidavits of prejudice see RCW 4.12.050.

(g)(f) Affidavits--Court Commissioners. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006; September 1, 2008; January 1, 2009; September 1, 2009.]

LOCAL GENERAL RULES

LGR 30 MANDATORY ELECTRONIC FILING

(b) *Electronic Filing.*

(5) Electronic Filing Is Mandatory. Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's ~~e-filing system~~ E-Filing Application or an electronic service provider that uses the Clerk's ~~e-filing system~~ E-Filing Application. Pro se parties are not required to e-file documents.

(A) Documents That Shall Not Be E-Filed. Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;
- (iv) Documents presented for filing during a court hearing or trial;
- (v) Documents for filing in an Aggravated Murder case;
- ~~(vi)~~ Documents pertaining to cases filed prior to January 1, 2000;
- ~~(vii)~~(vi) Administrative Law Review (ALR) Petitions;
- ~~(viii)~~(vii) Interpleader or Surplus Funds Petitions; ~~and~~
- ~~(ix)~~(viii) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15-;
- (ix) Affidavits for Writs of Garnishment and Writs of Execution;
- (x) Foreign (out of state) judgments;
- (xi) New cases or fee based documents filed with an Order in Forma Pauperis;
- (xii) Out of state custody and support registration petitions.

The above-excepted documents must be filed in paper form.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(B) Documents That May Be E-Filed. The following documents may be e-filed:

(i) Voluminous Documents—Voluminous documents of ~~4~~500 pages or more may be e-filed or filed in paper form.

~~(ii) Summary Judgment Motions—Summary judgment motions and supporting documents may be e-filed or filed in paper form. If these documents are filed in paper form, the filing party shall place the words “Filed as Part of a Summary Judgment Motion” in the caption of all paper documents filed as part of this exception.~~

~~(iii)~~(ii) Trial by Affidavit Motions – Motions set on the Trial by Affidavit Calendar and supporting documents may be e-filed or filed in paper form. If these documents are filed in paper form, the filing party shall place the words “Filed as Part of a Trial by Affidavit Motion” in the caption of all paper documents filed as part of this exception.

~~(iv)~~(iii) Answers to Writs of Garnishment

~~(v)~~(iv) Appeals of lower court decisions

(C) Working Copies for E-Filed Documents. Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's ~~e-filing system~~ E-

Filing Application and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies must not be electronically submitted for the following documents:

(i) Voluminous Documents—Judges’ working copies of documents ~~4~~500 pages or more in length shall be submitted in paper form only. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.

~~(ii) Summary Judgment Motions—Judges’ working copies of summary judgment motions shall be submitted in paper form pursuant to LCR 7.~~

~~(iii)~~(ii) Trial by Affidavit Motions – Working copies for motions heard on the Trial by Affidavit Calendar shall be submitted in paper form pursuant to LCR 7.

(D) Waiver of the Requirement to E-File. If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. The waiver may be for a specific case or for a specific period of time determined by the Clerk. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents they file for the duration of the waiver.

(E) Non-Compliance With This Rule. If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

[Adopted effective June 1, 2009]

RALJ EMERGENCY CHANGES ALREADY PASSED ON SEPTEMBER 8, 2009. THIS ALSO INCLUDES NEW PROPOSED CHANGES TO KCLRALJ 3.1

LCR 82. CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LCR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

(2) Where Proceedings Held. All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing as follows:

(i) Family Law, Paternity and Adoption Cases. For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

(ii) Probate, Guardianship and Trust cases. For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area.

(iii) Orders for Protection and Orders for Antiharassment. For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

(iv) Other Civil cases. For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

(v) Appeals from Courts of Limited Jurisdiction and Transcripts of Judgment. ~~For RALJ appeals, the Seattle case assignment area. For small claims appeals and transcripts of judgment, the case assignment area where the court of original jurisdiction is located.~~ For cases subject to RALJ, the case assignment area in which the court of original jurisdiction is located.

(vi) Transcripts of Judgment. For transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

(vii) Small Claims Appeals. For small claims appeals, the case assignment area where the court of original jurisdiction is located.

(viii) Appeals from Department of Licensing Orders of Suspension. For appeals from Department of Licensing Orders of Suspension, the Seattle case assignment area.

~~(vi)~~ **(ix) Actions filed pursuant to RCW 36.01.050.** For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

~~(vii)~~ **(x) Domestic Modifications and Support Adjustments.** Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

~~(viii)~~ **(xi) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW.** Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing as required by LCR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LCR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk’s e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b).

(6) Ex Parte Proceedings. Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

(7) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LCR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(8) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

Attachment to Case Indexing Cover Sheet

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

_____ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ Kent Area, defined as

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or

Signature of Attorney for
Petitioner/Plaintiff

Date

WSBA Number

(9) Jury Assignment Area. See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicaid holders residing in each jury assignment area.

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2004, September 1, 2006, September 1, 2007; September 1, 2008; June 1, 2009; September 8, 2009.]

LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA

(d) *Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.*

(1) Designation of Case Assignment Area. Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

a) Fugitives from justice.

b) Appeals in criminal cases from ~~courts of limited jurisdiction~~ District Courts.

c) Cases accepted into Drug Court.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

(4) Where Pleadings and Documents Filed. Pursuant to LGR 30, all pleadings and documents for any criminal action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Service of documents on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

(5) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(6) Jury Assignment Area. See LGR 18. The rule provides for Seattle and Kent jury assignment areas, consisting of registered voters and licensed drivers and identicaid holders residing in each jury assignment area.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001; September 1, 2004; September 1, 2007; June 1, 2009; September 8, 2009]

KCLRALJ 2.6 CONTENT OF NOTICE OF APPEAL

~~(h) **Failure to Include Information.** Failure to properly specify parties, claimed errors or other required information may result in the dismissal of the appeal or the imposition of terms. See RALJ 2.6~~

[Amended effective September 1, 1987; September 1, 1996; September 8, 2009.]

*****NEW RULE*****

KCLRALJ 2.7

(a) Case Schedule. The clerk shall issue a Case Scheduling Order and judge assignment upon the filing of a Notice of Appeal.

[Adopted effective September 8, 2009.]

KCLRALJ 3.1 HEARINGS MOTIONS

~~(a) *RALJ Dismissal Calendar.* All motions to stay and/or continue RALJ hearings shall be set for the RALJ Dismissal Calendar via a note for the RALJ Calendar. Such note must be filed and served no later than five court days before the hearing on the motion.~~

~~(b) *Case Schedule.* The clerk shall issue a Case Scheduling Order upon the filing of a notice of appeal. Motions. Motions to continue, for stay, sanctions, dismissal, or for other relief shall be noted before the assigned judge in compliance with the requirements of LCR 7(b). If a party is seeking oral argument on a motion, the party shall direct a specific request to the assigned judge. Motions to consolidate two or more cases shall be noted before the Chief Criminal Judge, the Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center, in accordance with the case assignment area and case type of the appeal.~~

[Amended effective September 1, 1987; September 1, 1989; September 1, 1993, September 1, 1996; September 1, 2004; September 8, 2009.]

KCLRALJ 3.2 CHANGE OF SUPERIOR COURT JUDGE

~~(e) *Affidavit of Prejudice.* The judge scheduled to hear the matter shall rule on affidavits of prejudice and order of transfer. CrR 8.9 shall apply to an affidavit of prejudice filed with the assigned judge.~~

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

KCLRALJ 7.1 BRIEFS

(a) *Page limits.* The opening brief of the appellant or petitioner and the brief of the respondent may not exceed twenty-four pages. The reply brief may not exceed twelve pages.

(b) *Motion for overlength brief.* Any party seeking to file an overlength brief shall submit the request by motion for overlength brief shall be submitted to the assigned judge, assigned to hear the appeal (or if not yet assigned, to the judge assigned to the RALJ dismissal calendar) for decision without oral argument in conformance with the requirements of LR 7(b)(10).

[Adopted effective September 1, 2004; amended effective September 8, 2009.]

KCLRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT

~~Each side shall be allowed ten minutes for oral argument. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A~~

respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

Each of the parties shall deliver a working copy of its brief to the hearing Judge no later than noon of the day before the argument. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(a) Waiver of argument. See RALJ 8.4.

(b) Conduct of hearing. At the appeal hearing, the court will permit oral argument of ten minutes per side. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

(c) Courtesy copy of brief. Each of the parties shall deliver a courtesy copy of its brief to the assigned Judge no later than five days before the argument. The courtesy copy of the brief shall be marked on the upper right corner of the first page with the date of the argument and the name of the judge.

[Amended effective September 1, 1987; June 1, 2009; September 8, 2009.]

KCLRALJ 9.2 ENTRY OF DECISION

(c) Court of Limited Jurisdiction. The clerk of the Superior Court shall transmit a copy of the decision of the Superior Court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and a copy to each party in the case within 30 days following the filing of the Superior Court decision.

(d) Motion for Reconsideration. All motions for reconsideration must comply with the procedure set forth in LCR 59.

[Amended effective September 1, 1987; September 1, 2001; September 8, 2009.]

KCLRALJ 10.1 VIOLATION OF RULES GENERALLY

~~The Superior Court on its own initiative or Clerk's motion or on motion of a party may order a party or counsel who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms of compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Superior Court may condition a party's right to participate further in the appeal on compliance with the terms of a sanction order, including an order directing payment of an award by a party. If an award is not paid within the time specified by the Superior Court, the Superior Court shall direct the entry of a judgment in accordance with the award. See RALJ 10.1.~~

[Amended effective September 1, 1987; September 8, 2009.]

KCLRALJ 10.2 DISMISSAL OF APPEAL

~~(e) Dismissal on Clerk's Motion.~~ The Superior Court will, on motion of the Clerk of the Superior Court, dismiss an appeal of the case when the appellant fails to timely file a brief, with

~~the Transcript by Appellant of the electronic recording of proceeding, or failure of the lower court to file a transcript of record. The Superior Court Clerk shall note the case on the dismissal calendar and issue notices of the dismissal hearing to counsel of record or to a person who is not represented by counsel at the addresses contained in the notice of appeal. A dismissal shall result in a remand of the matter to the originating court for the enforcement of judgment or imposition of sentence. See RALJ 10.2.~~

[Amended effective September 1, 1987; September 1, 1989; September 1, 2004; September 8, 2009.]

KCLRALJ 12.1 MANDATE

(a) *Mandate Defined.* A "mandate" is the written notification by the Clerk of the Superior Court to the court of limited jurisdiction and to the parties of a Superior Court decision terminating review.

(b) *When Mandate Issued by Superior Court.* The Clerk of the Superior Court issues the mandate for a Superior Court decision terminating review upon written stipulation of the parties that no party will file a notice of appeal or notice of discretionary review to the Court of Appeals will be filed. In the absence of that stipulation, the Clerk issues the mandate:

(1) 30 days after the clerk files the Superior Court decision is filed, unless any party has filed a notice of appeal or notice of request for discretionary review to the Court of Appeals or Supreme Court; or has been earlier filed.

(2) If a party has filed a notice of appeal or notice of request for discretionary review has been timely filed and denied by the Court of Appeals or Supreme Court has denied jurisdiction on the appeal or denied the request for discretionary review, upon receipt of the denial of the petition for review.

[Amended effective September 1, 1987; September 8, 2009.] emergency changes already passed on September 8, 2009