

**LOCAL COURT RULES FOR OF THE SUPERIOR COURT  
FOR KLICKITAT/SKAMANIA COUNTIES**

**Effective date: September 1, 2020**

*Table of Rules*

**LOCAL GENERAL ADMINISTRATIVE RULES  
(Cite as LGAR)**

LGAR 0.1	Court Schedule - Motions
LGAR 0.2	Court Organization and Management
LGAR 0.3	Court Hearings
LGAR 0.4	Guardianships
LGAR 0.5	Writs of Habeas Corpus in Child Custody Matters
LGAR 0.6	Ex-Parte Matters
LGAR 0.7	Lower Court Appeals
LGAR 11	Court Interpreters
LGAR 27	Courthouse Facilitators
LGAR 31	Access to Court Records

**LOCAL CIVIL RULES  
(Cite as LCR)**

LCR 4.1.	Dissolution of Marriage, Declarations, Automatic Order
LCR 6.	Time
LCR 10.	Form of Pleadings
LCR 16.	Pretrial Procedures and Formulating Issues
LCR 40.	Assignment of Cases
LCR 41.	Dismissal of Actions
LCR 43.	Taking of Testimony
LCR 47.	Jurors
LCR 49.	Verdicts
LCR 51.	Instructions to Jury and Deliberation
LCR 52.	Decisions, Findings and Conclusions
LCR 56.	Summary Judgment
LCR 59.	New Trial, Reconsideration, Amendment of Judgments
LCR 77.	Superior Courts and Judicial Officers
LCR 79.	Books and Records Kept by the Clerk

**LOCAL CRIMINAL RULES  
(Cite as LCrR)**

LCrR 3.1	Right to and Assignment of Lawyer
LCrR 3.2	Release of Accused
LCrR 3.3	Time for Trial
LCrR 3.4	Presence of the Defendant
LCrR 3.5	Confession Procedure

- LCrR 3.6 Suppression Hearings – Duty of Court
- LCrR 4.1 Arraignment
- LCrR 6.15 Instructions and Argument

**LOCAL MANDATORY ARBITRATION RULES**  
**(Cite as LMAR)**

- LMAR 1.1 Purpose
- LMAR 1.2 Matters Subject to Arbitration
- LMAR 2.1 Transfer to Arbitration
- LMAR 2.3 Assignment to Arbitrator
- LMAR 3.1 Qualifications
- LMAR 3.2 Authority of Arbitrators
- LMAR 5.1 Location and Timing of Hearing
- LMAR 5.2 Pre-Hearing Statement Proof – Court Documents
- LMAR 5.3 Conduct of Hearings
- LMAR 6.1 Form and Content of Award
- LMAR 6.3 Judgment on Award
- LMAR 7.1 Request for Trial De Novo and Sealing of Award
- LMAR 8.1 Stipulation – Effect on Relief Granted
- LMAR 8.4 Title and Citation
- LMAR 8.6 Compensation of Arbitrator
- LMAR 8.7 Administration

**LOCAL GUARDIAN AD LITEM GRIEVANCE RULES**  
**(Cite as LRGAL)**

- LRGAL 7. Grievance Procedures

**LIST OF EXEMPLARS**

- Exemplar #1 – Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability
- Exemplar #2 – Request For and Order Appointing Legal Counsel
- Exemplar #3 – Indigency Screening Form
- Exemplar #4 – Notice Re: Arraignment Date; Omnibus Hearing Date; Trial Date
- Exemplar #5 – Response to Statement of Arbitrability
- Exemplar #6 – Arbitration Award

**LOCAL GENERAL / ADMINISTRATIVE RULES**  
**(Cite as LGAR)**

**LGAR 0.1 COURT SCHEDULE – MOTIONS**

Motions and other pre-trial proceedings will be scheduled for hearing on a Law and Motion Docket, unless by prior arrangement through the court administrator.

The calendar shall be prepared and published by the court administrator or his/her designee-assistant on a yearly basis, and shall be distributed to the attorneys under contract, Law and Justice Offices within the courthouse and made available to the public from the Clerks' office by placement on the Superior Court bulletin board and county website. The court administrator, as needed to accommodate the judges' schedules and caseload demands, may change the Law and Motion Days and times. Attorneys and parties are advised to consult the calendar, the County Clerk, or the court administrator to confirm Law and Motion Docket dates and times prior to noting a motion.

[Adopted effective September 1, 2020.]

**LGAR 0.2 COURT MANAGEMENT**

**(a) General Management.** The general management of the court shall be vested in the presiding judge under policy established by the judge.

**(b) Presiding Court Rotation.** The presiding judge shall, serve, by alternating weeks, between, Klickitat and Skamania Counties and as specified by the court administrators for special set hearings.

**(c) Duties of the Presiding Judge.** The presiding judge's responsibilities, duties and authority shall be as provided in GR 29 as now or hereafter amended.

**(d) Duties of the Court Administrator.** The court administrator shall assist the Presiding judge in his or her administrative responsibilities. Subject to the general supervision of the presiding judge, the court administrator's duties shall include:

- (1)** Administrative control of all non-judicial activities of the court;
- (2)** Establish protocol and manage the process for reimbursement of fees and costs for court-appointed counsel, experts and other services;
- (2)** Case setting and trial calendar management;
- (3)** Preparation and administration of the budget;
- (4)** Coordination with state Administrative Office of the Courts;
- (5)** Assisting the presiding judge in dealing with county governments, bar associations, news media and other public and private groups having a reasonable interest in the administration of the court;
- (6)** Preparation of such reports and compilation of such statistics as may be required by the judges or state Administrative Office of the Courts;
- (7)** Making recommendations to the judges for the improvement of the administration of the court.

**(e) Authority of Court Commissioners.** Superior Court Commissioners shall have the Power, authority and jurisdiction in adult criminal cases to accept pleas in accordance with RCW 2.24.040.

**(f) Attire of Counsel and Litigants.** All attorneys appearing before the court (in-person or via remote video technology) or in chambers shall be attired in a manner that is consistent with the current generally prevailing and accepted business attire for professional men and women in the local community. Any attire that is distracting or detrimental to the seriousness of the proceedings or disruptive of decorum should be avoided.

**(g) E-mail communication.** The purpose of this rule is to provide guidelines for the use of e-mail in communicating with court staff. This rule does not apply to the other forms of communication, and does not establish a preference for e-mail communication over any other form of communication.

**(1) Use of judge's individual e-mail address prohibited.** The only address to be used by attorneys, pro se self-represented litigants or others who need to communicate with court staff about a case is the court administrator or administrative assistant's e-mail address. Absent express invitation by the judge, the judge's individual e-mail address is not to be used.

**(2) Guidelines for use of e-mail.** E-mail communication with the department is appropriate in the following typical situations: (i) To obtain a date for an in-court hearing; (ii) To submit proposed orders and/or bench copies (limited to 10 pages or less); (iii) To determine the judge's availability; (iv) To determine the availability of equipment needed for trial (such as a video player or speaker phone); (v) To advise the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e); and/or (vi) Other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

**(3) Ex-parte communication prohibited.** The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. If an attorney/party is communicating substantive information to court staff, the e-mail must also be sent to opposing counsel/party and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

**(4) Electronic service of working copies and pleadings.**

**(A)** Absent prior permission of the court, e-mail may not be used to provide bench or working copies of legal pleadings, including jury instructions. E-mail submissions of bench or working copies are limited to 10 pages. E-mail submissions of bench or working copies to the judge requires that all parties to the case are copied in the e-mail, including any attachment. Any e-mail which fails to copy all parties will be deleted without review.

**(B)** There shall be no editorial, comment or argument included in the emails; however, information as to the time, date and docket of the matter shall be permitted.

**(C)** Submission by e-mail is an accommodation and in no case shall it be a requirement for any party to submit any document via e-mail, absent a specific court order. Parties are still encouraged to provide a hard copy of any working or bench copies for judges to the court administrator or administrative assistant.

**(D) Retention of e-mail.** The Court is not obligated to retain any electronic communications.

**(f) Reimbursement of fees and costs for Court-appointed attorneys, experts and other services.**

**(1) Process.** All persons requesting reimbursement of fees and costs for court-appointed attorney services, court-appointed investigator services, court-appointed expert services, court-appointed Guardian Ad Litem (GAL) services and other services as appointed by the court shall comply with protocol established by the Court Administrator. Presiding Judge shall review and approve or deny all authorizations and orders for reimbursement.

**(2) Limits.** Party requesting reimbursement of fees and costs is responsible for ensuring that amount of services does not exceed the amount authorized by the court. Fees or costs in excess of the amount authorized will not be paid, unless prior authorization is approved by the court.

**(3) Failure to Comply with Protocol.** Failure to comply with the protocol established by the Court Administrator could result in denial or delay of authorization.

[Adopted effective September 1, 2020]

### **LGAR 0.3 COURT HEARINGS**

#### **(a) Testimony.**

**(1) Excusing Witnesses.** A witness subpoenaed to attend in any case, criminal or civil is dismissed and excused from further attendance as soon as he/she has given his/her testimony in chief. Witness fees will not be allowed for any witness after the day on which his/her testimony is given except when the witness has, in open Court, been required to remain in further attendance. When so required, the Clerk shall note that fact in the record and the witness will be paid by the court for additional testimony. If the adverse party requests a witness to remain in attendance he/she shall thereafter be responsible for the cost and expense occasioned thereby.

**(2) Telephonic Testimony.** Telephonic testimony is discretionary with the Court and may be granted upon the following conditions: **(A)** Express approval is obtained by the Judge who is hearing the motion. **(B)** Request is made at least five (5) court days, unless good cause shown, in advance of hearing or trial date to the Court Administrator in writing or by email, or as otherwise ordered by the Court.

#### **(b) Prohibition on Recording Remote Audio or Video Proceedings.**

**(1)** All lawyers, litigants, participants, or observing members of the press or public are prohibited from taking photographs or recording video or audio during remote proceedings, except with written authorization by the judge presiding over the hearing.

**(2)** No person participating in, or listening to, such a remote audio or video 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 judge presiding over the hearing.

**(3)** Violation of the provisions of this section may subject the offender to removal, contempt of court, and such other penalties as are provided by law.

[Adopted effective September 1, 2020]

#### **LGAR 0.4 GUARDIANSHIPS**

**(a) Confidential information sheet.** Any person appointed as a guardian shall complete a confidential information sheet.

[Adopted effective September 1, 2020]

#### **LGAR 0.5 WRITS OF HABEAS CORPUS IN CHILD CUSTODY MATTERS**

**(a) Rule to Control in Conjunction with RCW 7.36.** This local rule shall, in conjunction with Chapter 7.36, control the procedure and legal right to retain custody of a child in Skamania or Klickitat County, Washington through a writ of habeas corpus.

**(b) Who may Petition.** Only a person or entity with a previously established right to custody of a child will be granted a writ of habeas corpus. The applicant must be able to document the pre-existing legal right to custody of the child paramount to the right of any other person or entity. The pre-existing custody order must be issued by a court of competent jurisdiction and have been obtained through a court action where the other party had notice of the action and the opportunity to be heard.

**(c) Forms.** Applicants for Writs of Habeas Corpus in Child Custody matters shall use exclusively those forms approved by the Klickitat/Skamania County Superior Court available at either Klickitat County Clerk's Office and/or Skamania County Clerk's Office including the Sealed Source Missing Child Information Declaration.

[Adopted effective September 1, 2020]

#### **LGAR 0.6 EX-PARTE MATTERS**

**(a)** All matters that a party is requesting to be reviewed ex parte shall be provided to the Clerk's office. The clerk will arrange with the court administrator for a judicial officer to review the requested matter.

**(b)** Ex parte matter requests shall not be sent directly to the court administrator, unless specifically requested to by the court administrator. Any materials sent to the court administrator that were not specifically requested by the court administrator shall be returned to the party sending the materials to the court administrator.

**(c)** If no self-addressed stamped return envelope is provided with the materials, the party providing the materials must make arrangements to immediately pick up the materials. Materials not picked up within a 48 hours, unless other time frame arranged with the court administrator, shall be deemed abandoned and destroyed.

[Adopted effective September 1, 2020]

## **LGAR 0.7 LOWER COURT APPEALS**

**(a) Anders Briefs.** Upon filing of an Anders Brief, attorneys must provide a copy of their filed Anders Brief to the appellant (their client) with instructions that they have 30 days to raise any issues that they client may deem appropriate to raise in context of their appeal.

**(1) Proof of Service.** Attorneys must file proof of service that they provided a copy of the Anders Brief, along with instructions to file any response within 30 days, to the appellant. Service can be effectuated in any manner that is most reasonably likely to provide notice to the appellant.

**(2) Ruling on Anders Brief.** If no response is received from appellant raising meritorious issues, the court shall issue a written ruling without oral argument.

[Adopted effective September 1, 2020]

## **LGAR 11 COURT INTERPRETERS**

**(a) Oath.** Non-certified interpreters shall be administered an oath prior to providing interpreter services during a court hearing.

**(b) Requesting an Interpreter.** A written request must be to the Court Administrator at least two weeks in advance of hearing or trial. Requests can be emailed to the Court Administrator. More advanced notice should be provided for specialized languages, hearings anticipated to last longer than 20 minutes or if multiple interpreters needed. If these guidelines are not followed, an interpreter may not be available for the hearing and/or trial.

**(1)** The request for an interpreter should include at a minimum the following information:

**(A)** Date, time, estimated length and type of hearing;

**(B)** Language needed.

**(c) Cancellation of Hearing.** If a hearing is cancelled, continued or interpreter services are not needed for the hearing, the requesting party must immediately notify the Court Administrator. Failure to do so, absent good cause, at least two (2) days prior to the hearing/trial (or other time frame set by the Court Administrator) may result in the requesting party being charged for the cost of the interpreter if the interpreter cannot be cancelled without a fee.

**(d)** The court administrator shall not have any legal obligation to acquire the services of an interpreter in any proceeding that it is not mandatory for the court to provide an interpreter.

[Adopted effective September 1, 2020]

## **LGAR 27 COURTHOUSE FACILITATORS**

**(a) Generally.** The Superior Court of each county shall establish and administer a courthouse facilitator program. The Court Administrator shall establish a protocol for administering the program within each county. The Court Administrator, and/or his or her designee, shall serve as the courthouse facilitator.

**(g) Fees.** The Court Administrator shall establish a fee schedule for providing program services. The fee payable to the clerk's office is non-refundable. The fee may be waived by the Presiding Judge and shall only be waived in extraordinary circumstances.

**(h) Scheduling Appointments.** Appointments shall be scheduled by contacting the court administrator office. The courthouse facilitator shall designate a date and time to meet with requesting party. The required fee, unless waived by the Presiding Judge, shall be paid prior to the meeting or the meeting will be stricken.

[Adopted effective September 1, 2020]

### **LGAR 31 ACCESS TO COURT RECORDS**

#### **(a) Personal Identifiers Omitted or Redacted from Court Records.**

**(3)** The complete names of minor children is necessary for the orderly administration of justice and such complete names shall be used on all court documents except where prohibited by statute or court order. This rules does not prohibit the use of initials to identify child victims or witnesses in criminal or juvenile offender proceedings.

[Adopted effective September 1, 2020.]

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**LOCAL CIVIL RULES**  
**(Cite as LCR)**

**LCR 4.1      DISSOLUTION OF MARRIAGE, DECLARATIONS, AUTOMATIC ORDERS**

**(a) Cases in which Declaration Accepted.** A declaration will be accepted in lieu of testimony in cases in which parties have stipulated to entry or in default cases in which the relief requested is the same as the relief requested in the Petition for dissolution. In those cases in which the relief requested is different or more specific than the original petition, and the respondent has defaulted, the party requesting relief which varies from the petition must appear on the civil docket and present testimony in support of the request, with a decision to be made by the judge or commissioner. The declaration in lieu of testimony must be made after the expiration of the ninety (90) day period. The declaration must be in substantially the same form as the Declaration in Support of Entry of Decree of Dissolution. The declaration must include the certification of attorney or party presenting the declaration.

**(b) Standards and Worksheets.** Prior to hearing an application for any support or maintenance, the parties shall prepare, serve and file applicable worksheets in accordance with RCW 26.19 taking into consideration the standards for determination of child support as published by the Washington State Child Support Commission.

**(c) Scope of Hearings.** A show cause order or citation may include notice of hearing of all relief sought by the applicant. All temporary hearings shall be heard only on affidavit unless otherwise ordered by the court.

**(d) Motions. Forms.** Mandatory forms shall be used. Supporting affidavits shall be limited to 4 per party excluding affidavits from expert witnesses. Affidavits from parties shall not exceed 6 pages and supplemental affidavits shall not exceed 2 pages. There is a strong preference that all affidavits and declarations be typewritten. If typed, the format shall be 12 point or larger and 1.5 line spacing or greater.

**(e) Children's statements.** Declarations by minors are disfavored.

**(f) Court's Automatic Temporary Order.** Upon the filing of a Summons and Petition for Dissolution, Legal Separation, Declaration of Invalidity, Domestic Partnership or Petition to Establish Residential Schedule/Parenting Plan, the court on its own motion shall automatically issue a Temporary Order that will be served with the Summons and Petition that includes the following provisions:

(1) Except in cases to Establish a Residential Schedule/Parenting Plan, the parties be 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 party of any extraordinary expenditure made after the order is issued. This order shall not preclude a party from accessing funds in a reasonable amount to retain counsel;

(2) Except in cases to Establish a Residential Schedule/Parenting Plan, the parties be restrained from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies and retirement assets of either or both parties or of any dependent child(ren), whether medical, health, life or auto insurance, except as agreed in writing by the parties;

(3) Except in cases to Establish a Residential Schedule/Parenting Plan, unless the court orders otherwise, each party shall be immediately responsible for their own future debts whether incurred by credit card, loan, security interest or mortgage, except as agreed in writing by the parties;

(4) Except in cases to Establish a Residential Schedule/Parenting Plan where no child support is requested, both parties must have access to all financial records including tax, banking and credit card statements. Reasonable access to records shall not be denied without order of the court;

(5) For those actions in which children are involved: **(A)** Absent proof of actual or imminent or threatened physical, mental or emotional harm each parent be restrained from changing the residence the child(ren) primarily resided in prior to the filing of the Petition for Dissolution until further court order, except as agreed in writing by the parties. Subsequent orders regarding parenting issues supersede previously issued orders to the extent the orders may be inconsistent; **(B)** Each parent shall have full access to the child(ren)'s educational and health care records, unless otherwise ordered by the court and this order shall act as authority for any health care or educational institution to provide such records to a parent upon request. However, if a child is age 12 or older, permission must be obtained from the child before a health care provider must provide that child's records. **(C)** Each parent shall insure that the child(ren) is(are) not exposed to negative comments about the other parent. Neither parent shall make or allow others to make negative comments about the other parent in the presence of the child(ren). Neither parent shall show the child(ren) any documents or pleadings generated by or for the court in connection with this action.

(6) A party's compliance with the provisions of this rule may be enforced upon Motion and Order to Show Cause. Unless compliance is waived by the court for good cause shown, the court may order appropriate sanctions including costs, attorney's fees, and adoption of the complying party's proposal.

(7) The Petitioner is subject to this order from the time of the filing of the Petition. The Petitioner shall serve a copy of this order on Respondent and file proof of service. The Respondent is subject to this order from the time that it is served. This order shall remain in effect until further court order or entry of final documents.

(8) The court's Automatic Temporary Order will not be entered in any law enforcement database. This rule does not preclude any party from seeking any other restraining order(s) as may be authorized by law.

[Adopted effective September 1, 2020]

## **LCR 6 TIME.**

### **(d) Motions and Other Papers.**

(1) **Scope of Rules.** Except when specifically provided in another rule, this rule governs all motions in civil cases.

#### **(2) Dates of Filing, Hearing and Consideration.**

##### **(A) Filing and Scheduling of Motion.**

(i) The moving party shall serve and file all motion papers no later than ten (10) court days before the date the party wishes the motion to be considered. A motion must be scheduled by a party for hearing on an appropriate motion docket for the type of matter to be heard.

(ii) **Opposing Papers.** Any party opposing a motion shall file the original responsive papers in opposition to a motion, serve copies on parties and deliver any working copies to the judge no later than 10:00 a.m. five (5) court days before the date the motion is to be heard.

(iii) Reply. Any papers in strict reply shall be filed, copies served on parties, and any working copies delivered to the hearing judge no later than 10:00 a.m. two (2) court days before the date of the hearing.

**(B) Working Copies.** The working copies of all papers shall be marked on the upper right corner of the first page with the date, time of hearing and the name of the judge.

(i) **Hard Copies:** Working copies of the motion and all papers in support or opposition, if provided, shall be delivered to the judge who is to hear the motion no later than the day they are to be served on all other parties, for Klickitat County at 205 S. Columbus, Rm 206, Goldendale, WA 98620. Skamania County at 240 NW Vancouver Ave. Stevenson, WA 98648.

(ii) **Electronic Copies:** Email transmission must get authorization from the court administrator. Electronic copies are limited to 10 pages.

**(C) Sanctions.** Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the Court over objection of counsel except upon the imposition of appropriate sanctions, unless the Court orders otherwise.

[Adopted effective September 1, 2020.]

## **LCR 10 FORM OF PLEADINGS.**

### **(e) Format Recommendations.**

#### **(3) Bottom notation.**

(A) Self-represented litigant pleadings shall be typewritten or neatly printed, shall conform to the format recommendations of CR 10(e), and shall contain the party's telephone number(s), mailing address and street address where service of process and other papers may be made upon him/her or the same may be rejected for filing by the clerk.

[Adopted effective September 1, 2020]

## **LCR 16 PRETRIAL PROCEDURES AND FORMULATING ISSUES**

(c) Unless otherwise ordered by the Court, all pre-trial conferences shall be conducted at least two weeks before trial.

(d) Attorneys for all parties shall personally attend the pre-trial conference unless the Court orders the conference to be heard by telephone.

(e) The pre-trial conference shall be conducted by the Judge informally and shall not be recorded unless so ordered.

(f) **Settlement Conference.** Settlement conferences are encouraged but voluntary and may be requested in writing by any party to the court administrator.

(1) The Court Administrator shall designate the settlement conference Judge and set the date, place, and provide notice at least two weeks before the trial.

(2) Settlement conferences may be held before a Court Commissioner, Judge or Pro-Tem Judge as determined by the court.

(3) All attorneys, parties including representatives from any insurer shall be personally present or immediately available to the attorneys representing them by telephone.

(4) Proceedings of the settlement conference shall be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the

Judge may, in his or her discretion, order the settlement agreement to be recorded or reported. The Judge or Commissioner, presiding over a settlement conference, shall be disqualified from acting as a Trial Judge in the matter unless all parties otherwise agree in writing or in open Court on the record.

**(5)** At least ten (10) days before the settlement conference each party shall supply a confidential position statement to the settlement judge. The statement shall include:

**(A)** A general factual summary of the case (provide copies of the relevant pleadings, including any motions filed to date);

**(B)** Disputed and admitted facts;

**(C)** Description of legal issues, together with authorities; and

**(D)** Description of what you believe would be a fair settlement of the outstanding dispute, and set forth in detail the significant obstacles to a settlement.

**(E)** In domestic relations cases, the party's position, in precise terms, concerning issues of:

**(i)** property;

**(ii)** debts;

**(iii)** maintenance;

**(iv)** child support;

**(v)** parenting plan; and

**(vi)** any other matters requiring resolution.

**(6)** The confidential position statement is not to be filed with the court clerk nor provided to the other party. The confidential position statements will be kept confidential by the judge/commissioner in chambers and will be destroyed at the conclusion of the settlement conference.

[Adopted effective September 1, 2020]

## **LCR 40 ASSIGNMENT OF CASES**

### **(a) Notice of Trial and Certificate of Readiness.**

**(1)** Any party desiring to bring an issue of fact to trial shall serve and file a properly completed Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability. (Exemplar #1)

**(A)** The party filing a Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability (Exemplar #1) must serve a copy on the opposing party(s).

**(B)** Proof of service on the opposing party shall be filed; and,

**(C)** If no response to the Note for Trial Setting is received by the Court Administrator within ten days of service on the opposing party(s), the Court Administrator will schedule the trial and notify all parties of the trial date.

**(d) Trials;** Trial briefs are strongly encouraged and shall be filed and served three days or more before trial; the original to be filed, one copy to the Judge and one copy served on opposing counsel.

### **(e) Continuances.**

**(1)** Each party is allowed one request for a change of trial date without hearing, if the objection to trial date is made within ten (10) days after date trial is set. Within ten days after such objection, the Court Administrator will set another date and send notice of the new date. Additional changes may be allowed for good cause shown upon motion to the Court.

[Adopted effective September 1, 2020]

## **LCR 41 DISMISSAL OF ACTIONS**

**(e) Notice of Settlement.** It shall be the obligation of counsel in all civil and criminal jury and non-jury cases to notify the Court Administrator when a case is settled or otherwise will not come on for trial as scheduled. Such notice shall be made by email to the Court Administrator and contain confirmation by both parties. At that time, the Administrator will strike the trial.

**(1) Civil Jury –Cost after untimely cancelation.** If the trial has been canceled, because of a settlement, or will not be tried for any reason or without jury, and no notification to the Clerk or Court Administrator occurs after a jury has been notified to report in less than one full judicial day prior to the time set for the trial. The number of jurors actually reporting for the trial may in the Court's discretion, discharge each party with an equal share of the per diem cost of one day's service. The forgoing costs will not be waived except upon a showing of exceptional circumstances, which causes an excuse and delay of notification. The Court, in its discretion may make a charge against either or both parties together with any additional costs reasonably incurred in anticipation of trial including, but not limited to, travel expenses and loss of earnings of witnesses and the like.

[Adopted effective September 1, 2020]

## **LCR 43 TAKING OF TESTIMONY**

**(e) Evidence on Motions.**

**(1) Generally.** Motions for temporary support, attorney's fees and costs, restraining orders, injunctions, to dissolve injunctions and to quash or dissolve attachments shall be heard only on the pleadings, affidavits or declarations, published depositions and other papers filed unless the court otherwise directs.

**(m) Trial Exhibits.**

**(1) Marked in Advance of Trial Date.** In all contested matters, the parties shall provide all exhibits, except such exhibits as are intended for impeachment purposes, to be marked for identification by the Clerk by 3:00 PM one (1) business day prior to trial; provided that a party may present exhibits for marking on the day of trial if the number of exhibits to be marked is ten (10) or fewer and the exhibits are provided for marking at least one (1) hour before the start of the trial. An exhibit list, without exhibit numbers filled in (unless prior arrangements made with the Clerk), shall be given to the Clerk when the exhibits are presented for marking.

**(2) Copies.** Copies of all documents offered as exhibits, except large maps or drawings, shall be prepared and presented to opposing counsel, any self-represented parties and to the judge at such time as the exhibits are offered into evidence (unless previously provided based upon agreement of the parties); provided that, with the permission of the other party, the judge's and opposing party's courtesy copies may be provided before or at the commencement of the trial.

**(3) Withdrawal of Exhibits.** After final judgment, if the time for 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.

**(4) Return or Destruction of Exhibits.** When judgment in a civil case shall become final after an appeal or upon judgment or dismissal, or upon filing a satisfaction of judgment, the Clerk, on stipulation of the party submitting the exhibit, shall return all exhibits and unopened depositions or destroy them. The court shall enter an order accordingly.

**(5) 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.

[Adopted effective September 1, 2020.]

## **LCR 47 JURORS**

### **(e) Challenge.**

#### **(2) Peremptory Challenges Defined.**

**(A)** The exercise or waiver of peremptory challenges shall be exercised silently without disclosing the juror being challenged. The plaintiff first and then defendant alternately identifying challenged juror upon a sheet furnished by the bailiff. The parties shall sign the peremptory challenge sheet. The Clerk and the Court are given the document with no disclosure to the jury as to the challenging party. The peremptory challenge sheet shall be filed with the court.

[Adopted effective September 1, 2020.]

## **LCR 49 VERDICTS**

**(k) Receiving Verdict During Absence of Counsel.** A party or attorney desiring to be present at the return of a jury verdict must remain in attendance at the courthouse or be available by telephone. If a party or attorney fails to appear within 20 minutes of telephone notice to the attorney's office, home or other number, the court may proceed to take the verdict in the absence of such party or attorney. In such case, the jury shall be individually polled and the identity of any dissenting jurors recorded.

[Adopted effective September 1, 2020.]

## **LCR 51 INSTRUCTIONS TO JURY AND DELIBERATION**

**(b) Submission.** Counsel is requested by the Court to prepare and deliver to the Court and opposing counsel by 4:30 p.m. the court day preceding the date set for trial, the required number of copies of proposed instructions. Washington Pattern Jury Instructions are recommended for use whenever possible. Counsel is requested to prepare instructions as follows:

**(1)** One original with citations shall be assembled into a set, numbered, and shall be filed with the Clerk;

**(2)** One copy of the originals with citations that is filed with the court shall be served on opposing counsel;

**(3)** One copy of the originals with citations shall be delivered to the Judge; and

**(4)** One copy without citations and numbers shall be delivered to the Judge.

[Adopted effective September 1, 2020.]

## **LCR 52 DECISIONS, FINDINGS AND CONCLUSIONS**

### **(a) Requirements.**

**(6) Time.** Unless the judge has included formal findings of fact and conclusions of law in a written opinion or memorandum of decision pursuant to CR 52(a)(4) or they are otherwise unnecessary by reason of CR 52(a)(5), the attorney of record for the prevailing party shall prepare proposed findings of fact and conclusions of law, along with the proposed form of decree, order or judgment as required by CR 54(e). At the time of the decision, the court may enter an order fixing a date by which the proposed findings, conclusions and decree, order or judgment shall be prepared and served and may establish a date of presentation.

[Adopted effective September 1, 2020]

## **LCR 56 SUMMARY JUDGMENT**

### **(c) Motion and Proceedings.**

**(1) Scheduling.** Prior to noting a motion for summary judgment, a specific date and time shall be obtained from the Court Administrator.

**(2) Confirmation Process.** In the event a motion for summary judgment is to be argued, counsel for moving party must notify the court administrator, in person or by telephone, by 4:30 p.m. two court days prior to the hearing; otherwise, the matter will be stricken. If no opposition is anticipated, the assigned Judge should be so informed.

**(i) Sanctions.** Failure to strictly adhere to this rule may result in the hearing being stricken. Late responses stricken, or not considered in ruling on the motion, terms and/or such other sanctions as the Court in its discretion may deem appropriate.

[Adopted effective September 1, 2020.]

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

### **(e) Hearing on Motion.**

**(3) Nature of Hearing.** A motion for reconsideration shall be submitted on briefs and affidavits only, without oral argument, unless the trial judge, on written application from the attorney or on their motion, allows oral argument. The original, of such motion, which must be made within the time limits set forth in CR 59, shall be filed with the Superior Court Clerk's Office and a copy delivered to Court Administration, the opposing party and/or their attorney at the time of filing. The original and a copy of any response thereto shall be filed with the Superior Court Clerk's Office and thereafter a copy delivered to Court Administration, opposing party and/or their attorney, in accordance with CR 59. The trial judge shall either rule and advise the attorneys of the ruling or advise the attorneys of desired proceedings pursuant to CR 59.

[Adopted effective September 1, 2020]

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

**(d) Superior Courts Always Open.** There shall be one continuous session of Court from January 1 to December 31 of each year as designated by the State Supreme Court, except December 24 to January 2 shall be Winter Holiday recess. No contested cases or matters will be set for trial or tried during said period except by consent of the parties and the Court. During Winter Holiday recess, law and motion days shall be scheduled at the direction of the Court, and motions noted shall be regularly heard.

### **(f) Sessions.**

**(1)** Klickitat County—9:00 AM-12:00PM, 1:00 PM- 5:00 PM; recesses are called as needed.

**(2)** Skamania County—9:00AM- 12:00PM, 1:00 PM- 5:00PM; recesses are called as needed.

**(3)** A citation or request for placement of any matter on the regularly scheduled motion calendar's in Klickitat County or Skamania County shall be in writing and filed three working days prior to the scheduled motion calendar, excluding holidays and weekends.

**(k) Motion Day—Local Rules.** Matters not regularly noted on the motion calendar will not be heard except by consent of all parties and the Court, and then heard only after all matters regularly noted shall be called and disposed of. Nothing in this rule should be interpreted as affecting the notice of Civil Rules for Superior Courts or Criminal Rules for Superior Courts.

**(1)** Presentation of Law and Motion matters shall be limited to a hearing time of ten minutes for each side. Matters requiring argument longer than twenty minutes will need to be scheduled on a special hearing date to be set by the Court Administrator.

**(2)** Ex-Parte matters are sent in the mail with a check for the Clerk's judicial signature fee, and placed on the ex-parte desk for review.

**(3)** Parties bringing ex-parte paperwork to the Court for signature need to call the Court administrator's office to arrange a time when the Judge or his designee is available. Testimony will not be taken unless ordered by the Court upon application or as required by statute.

**(4)** All hearings that are to be held in courts outside of the county where the case has been filed shall be coordinated through the Klickitat/Skamania County Court Administrator. The Court Administrator shall then notify the clerk's office in which the case has been filed of the out-of-county hearing, date and time.

**(o) Trial Status.** Not less than ten (10) days prior to any scheduled trial, each counsel or self-represented party shall contact the court administrator to advise the status of the case and of settlement negotiations, if any, and whether it is anticipated trial will take place as scheduled.

[Adopted effective September 1, 2020.]

**LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK**

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

**(1) Exhibits.** Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.

**(A) Court Records as Exhibits.** No original court record shall be admitted as an exhibit, but a copy may be admitted.

**(B) Substituted Copies of Exhibits.** For cause shown, the court may permit a copy of any document admitted in evidence to be substituted for the original.

**(C) Exhibit packaging and labeling.** Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

**(i)** Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container. All items shall be labeled to identify the contents as potentially biologically hazardous material.

**(ii)** Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. Plainly visible labels shall identify the contents.

**(iii)** Firearms shall be unloaded, and contain a breach mechanism.

**(D) Rejection of Unsuitable Materials.** When the Clerk is uncertain as to whether material is suitable for filing pursuant to CR 5(i), he or she shall seek the advice of the presiding judge before filing the same.

**(E) Return of Contraband Exhibits.** At the conclusion of all proceedings, any contraband (alcoholic beverages, tobacco products, controlled substances, weapons, fish or wildlife parts) being held by the Clerk as part of the record in any criminal case, the court may order the Clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition process. The Clerk shall then deliver the contraband and take from the law enforcement agency a receipt that shall be filed in the case. The Clerk shall also file any certificate issued and received by an authorized federal or state agency showing the nature of such contraband or substances.

**(F) Return of Administrative Record on Appeal.** When a case for review of an administrative record is finally completed, the Clerk shall treat the administrative record as an exhibit. The Clerk shall return the administrative record to the officer or agency certifying the same to the Court.

**(g) Removal of files.** No files may be removed from the Clerk's office without the express permission of the Clerk or the Clerk's designee.

[Adopted effective September 1, 2020.]

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**LOCAL CRIMINAL RULES**  
**(Cite as LCrR)**

**LCrR 3.1 RIGHT TO AND ASSIGNMENT OF LAWYER**

**(d) Assignment of Lawyer.**

(1) A defendant requesting appointment of counsel shall be required to sign a Request for and Order Appointing Legal Counsel. (Exemplar #2)

(3) A defendant requesting appointment of counsel may be required to fill out an indigency screening form. (Exemplar #3)

**(f) Services Other Than a Lawyer.**

**(3) Reasonable Compensation.**

(A) Party having received authorization to retain an investigator, expert or other services must provide a signed copy of the order approving authorization, along with their motion for reimbursement and invoice. Any party requesting reimbursement shall further comply with any and all protocols established by Court Administrator regarding reimbursement.

[Adopted effective September 1, 2020]

**LCrR 3.2 RELEASE OF ACCUSED**

**(p) Bail setting and Bail review.**

(1) At a defendant's first appearance on a criminal charge, in those cases where the court determines that bail should be required, the Court shall proceed to set a reasonable bail, taking into account the factors set forth in CrR 3.2 (c).

(2) At the time set for arraignment, the Court hearing the matter may review the bail previously set. Thereafter, bail may be reconsidered only by proper written motion and with timely notice to the Prosecuting Attorney.

[Adopted effective September 1, 2020]

**LCrR 3.3 TIME FOR TRIAL**

**(i) Resetting court dates.** The court shall advise and provide dates to the defendant for an omnibus hearing (if necessary), status conference and trial. The defendant shall sign the notice setting court dates (Exemplar #4) (or other form established by court clerk for setting court dates) and be given a copy of the notice setting court dates.

[Adopted effective September 1, 2020]

**LCrR 3.4 PRESENCE OF THE DEFENDANT**

**(a) (1) [When Necessary] [Rescinded effective February 1, 2021].**

**(b) When Necessary.**

(1) In addition to those hearings listed in CrR 3.4(b), as now or hereafter amended, there is good cause to require the defendant to be present physically or remotely (at the court's discretion) at the following hearings:

- rights;
- (A) The defendant's motion to waive jury trial;
  - (B) The defendant's motion for continuance of trial date and waiver of speedy trial rights;
  - (C) Any hearing where the court is required to conduct a colloquy with the defendant;
  - (D) Evidentiary hearings conducted pursuant to CrR 3.5 or CrR 3.6;
  - (E) Status Conference hearings, unless the defendant's counsel affirms, in writing or in open court (i) that the defendant has expressly chosen to appear through counsel, as allowed by CrR 3.4(a), and (ii) that 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 approved by the defendant has been filed.

[Amended effective September 1, 2021]

### **LCrR 3.5 CONFESSIOIN PROCEDURE**

#### **(a) Requirement for and Time for Hearing.**

(1) Within seven days after the Omnibus hearing where a 3.5 hearing is requested by the State (or if the Prosecutor learns of the statements of the accused to be offered at trial more than seven days after the omnibus hearing, then within two (2) court days of learning of statements they intend to offer), the Prosecutor must serve on the defendant (or if represented, the defendant's attorney) and file with the Court a brief description of the defendant's statements(s) the Prosecutor intends to offer in evidence.

[Adopted effective September 1, 2020]

### **LCrR 3.6 SUPPRESSION HEARINGS – DUTY OF COURT**

#### **(a) Pleadings.**

(1) **Timing of briefs.** The defendant shall file and serve upon the Prosecuting Attorney a Motion to Suppress and Memorandum of Authorities in support of the motion at least ten (10) court days prior to the hearings on the motion. A response to the Memorandum shall be filed and served at least five (5) court days before the hearing and a reply to the response shall be filed and served at least two (2) court days prior to the hearing. Courtesy copies of all Memoranda shall be provided to the Judge hearing the matter at the time of filing.

[Adopted effective September 1, 2020]

### **LCrR 4.1 ARRAIGNMENT**

(g) **Arraignment Order.** At arraignment in any criminal action, the court shall advise and provide dates to the defendant for an omnibus hearing, status conference and trial. The defendant shall sign the notice setting court dates (Exemplar #4) and be given a copy of the notice setting court dates.

[Adopted effective September 1, 2020]

### **LCrR 6.15 INSTRUCTIONS AND ARGUMENT**

(b) **Submission.** Counsel is requested by the Court to prepare and deliver to the Court and opposing counsel by 4:30 p.m. the court day preceding the date set for trial, the required number of

copies of proposed instructions. Washington Pattern Jury Instructions are recommended for use whenever possible. Counsel is requested to prepare instructions as follows:

- (1) One original with citations shall be assembled into a set, numbered, and shall be filed with the Clerk;
- (2) One copy of the originals with citations that is filed with the court shall be served on opposing counsel;
- (3) One copy of the originals with citations that is filed with the court shall be delivered to the Judge; and
- (4) One copy without citations and numbers shall be delivered to the Judge.

[Adopted effective September 1, 2020.]

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**LOCAL MANDATORY ARBITRATION RULES**  
(Cite as LMAR)

**LMAR 1.1 PURPOSE.** The mandatory arbitration of civil actions under RCW 7.06 is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving of one hundred thousand dollars (\$100,000) or less. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion.

[Adopted effective September 1, 2020.]

**LMAR 1.2 MATTERS SUBJECT TO ARBITRATION.** By implementation of these rules the Superior Courts of Klickitat/Skamania County authorizes mandatory arbitration under RCW 7.060.010, and approves such arbitrations in which no party asserts a claim in excess of one hundred thousand dollars (\$100,000), exclusive of interest and costs under RCW 7.06.020.

[Adopted effective September 1, 2020.]

**LMAR 2.1 TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** In every civil case after a response has been filed and at any time thereafter that a case meets Mandatory Arbitration guidelines, a party shall, upon the form approved by the Court, complete a Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability (Exemplar #1), and request that the case be transferred to arbitration. The party requesting arbitration shall file and serve a copy of the Statement of Arbitrability on the opposing party and the court administrator. The Court may transfer a case to arbitration on its own motion if it determines a case meets the requirements of the Mandatory Arbitration Rules.

**(b) Response to Statement of Arbitrability.** Any party contesting a transfer to arbitration shall file and serve, on opposing party and court administrator, a response using the Response to Statement of Arbitrability (Exemplar #5) stating their objections within 10 days of receipt of request to transfer to arbitration. Unless a Response to Statement of Arbitrability is timely filed and served, the case shall be deemed subject to mandatory arbitration.

**(c) Failure to File Timely Response – Amendments.** A party failing to timely serve and file a Response to Statement of Arbitrability within time prescribed may later do so only upon leave of Court.

[Adopted effective September 1, 2020.]

### **LMAR 2.3 ASSIGNMENT TO ARBITRATOR**

**(a) Generally; Stipulations.** When a case is set for arbitration, a list of five (5) proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

**(b) Response by Parties.** Each party may, within 14 days after a list of proposed arbitrators is furnished to the parties, nominate up to three (3) arbitrators and strike up to two (2) arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Court Administrator will randomly appoint an arbitrator from among those not stricken by either party.

**(c) Response by Only One Party.** If only one party responds within 14 days, the Court Administrator will appoint an arbitrator nominated by that party.

**(d) No response.** If neither party responds within 14 days, the Court Administrator will randomly appoint one of the five proposed arbitrators.

**(e) Additional Arbitrators for Additional Parties.** If there are more than two adverse parties, all represented by different counsel, two (2) additional proposed arbitrators shall be added to the list for each additional party so represented with the above principles of selection to be applied. The number of adverse parties shall be determined by the Court Administrator, subject to review by the Presiding Judge.

**(f) Insufficient number of Arbitrators.** If less than the number of arbitrators specified above are on the county list, the number may be reduced to the number of available arbitrators on the county list.

[Adopted effective September 1, 2020.]

### **LMAR 3.1 QUALIFICATIONS**

**(a) Arbitration Panel.** There shall be a panel of arbitrators in such numbers as the Superior Court judges may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Court Administrator's office. The oath of office on the form prescribed by the court must be completed and filed prior to an applicant being placed on the panel.

**(b) Refusal; Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Court Administrator immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of judges. If disqualified, the arbitrator must immediately return all materials in a case to the Court Administrator.

[Adopted effective September 1, 2020.]

**LMAR 3.2 AUTHORITY OF ARBITRATORS**

**(a) An arbitrator shall have the authority to:**

**(1)** Determine the time, place and procedure to present a motion for before the arbitrator.

**(2)** Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have 10 days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within 10 days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

**(3)** Award attorney's fees as authorized by these rules, by contract or by law.

[Adopted effective September 1, 2020.]

**LMAR 5.1 LOCATION AND TIMING OF HEARING.** The arbitrator shall set the time, date and place of the hearing.

[Adopted effective September 1, 2020.]

**LMAR 5.2 PRE-HEARING STATEMENT OF PROOF – COURT DOCUMENTS.** In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant. The court file shall remain with the County Clerk.

[Adopted effective September 1, 2020.]

**LMAR 5.3 CONDUCT OF HEARINGS.**

**(a) Witnesses.** The arbitrator shall place a witness under oath or affirmation before the witness presents testimony.

**(b) Recording.** The hearing may be recorded electronically or otherwise by any party at his or her expense.

**(c) Rules of Evidence, Generally.** The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed to promote justice. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.

[Adopted effective September 1, 2020.]

**LMAR 6.1 FORM AND CONTENT OF AWARD.**

**(a) Form.** The award shall be prepared on an Arbitration Award form approved by the Court (Exemplar #6) and filed with the County Clerk, along with proof of service on the parties.

**(b) Return of Exhibits.** When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

**LMAR 6.3 JUDGMENT ON AWARD.** A judgment on award shall be presented on the civil docket, by any party, on notice in accordance with MAR 6.3.

[Adopted effective September 1, 2020.]

**LMAR 7.1 REQUEST FOR TRIAL DE NOVO AND SEALING OF AWARD.** A request for trial de novo and shall be filed with the County Clerk. The clerk shall seal any award if a trial de novo is requested.

[Adopted effective September 1, 2020.]

**LMAR 8.1 STIPULATION – EFFECT ON RELIEF GRANTED.** If a case, not otherwise subject to mandatory arbitration, is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge. Stipulated arbitrations are not governed by these rules unless expressly agreed to by the parties. Compensation of arbitrators performing stipulated arbitrations is the responsibility of the parties.

[Adopted effective September 1, 2020.]

**LMAR 8.4 TITLE AND CITATION.** These rules are known and cited as the Klickitat/Skamania County Superior Court Mandatory Arbitration Rules. LMAR is the official abbreviation.

[Adopted effective September 1, 2020.]

**LMAR 8.6 COMPENSATION OF ARBITRATOR.**

**(a) Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of Superior Court. The maximum compensation is capped at ten (10) hours times the applicable hourly rate as provided by the Administrative Office of the Courts, unless otherwise approved by the Superior Court judge. Hearing time and reasonable preparation time are compensable.

**(b) Form.** When an award is filed, the arbitrator shall submit a request for payment. The Court Administrator shall determine the amount of compensation to be paid. The decision of the Court Administrator will be reviewed by the Superior Court Judge at the request of the arbitrator.

[Adopted effective September 1, 2020.]

**LMAR 8.7 ADMINISTRATION.** The Court Administrator, under the supervision of the Superior Court judge, shall supervise arbitration under these rules and perform any additional duties which may be delegated by the Superior Court judge.

[Adopted effective September 1, 2020]

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**LOCAL GUARDIAN AD LITEM RULES**  
**(Cite as LGALR)**

**LGALR 7 GRIEVANCE PROCEDURES**

These rules apply to guardians ad litem appointed on any case heard by the Court under Titles 11, 13 and 26 of the Revised Code of Washington.

**(d) GAL Grievance procedures.**

**(1) Written Complaints.** All complaints must be in writing and must be submitted to the Superior Court Administrator. All complaints must bear the signature, name and address of the person filing the complaint. Complaints shall remain confidential until resolved.

**(2) Initial Sufficiency Determination.** The Court Administrator will make an initial determination as to whether the complaint is sufficiently serious enough to address further. Determination of sufficiency may include issues that are not meritorious as defined in section LGALR (d)(4)(A), but are issues that could still be deemed detrimental to the GAL program. Meritorious claims are sufficiently serious to invoke the grievance procedures outlined in this section.

**(A)** If the Court Administrator determines that the complaint is not sufficiently serious to address further, the Court Administrator shall notify the complainant that the complaint will be closed and advise them that they may request that the Presiding Judge review the complaint by submitting a written request/appeal within 10 days of receipt of letter closing complaint.

**(i)** If the Presiding Judge determines that the complaint should be addressed, he or she shall notify the Court Administrator to process the complaint per the grievance procedures outlined below.

**(B)** If the Court Administrator determines that a complaint is sufficiently serious to move forward, the Court Administrator will comply with the grievance procedures outlined below.

**(3) Complaints involving Title 13 GALs.**

**(A)** If the Court Administrator determines that a sufficiently serious enough complaint involves an issue that can be addressed at the program level, the Court Administrator will notify the GAL coordinator, forward a copy of the complaint to the GAL coordinator within two (2) business days of receipt of complaint and request that they address the complaint at the program level. If the GAL coordinator is unable to address at the program level, the GAL coordinator shall notify the Court Administrator within five (5) days of receiving the complaint from the Court Administrator.

**(i)** Time frames may be extended upon good cause shown.

**(4) Merit Determination.** A determination shall be made to determine whether complaint has merit to proceed further.

**(A)** In considering whether the complaint has merit involving a GAL appointed under Title 13, the Court Administrator shall consult with the Juvenile Court Administrator. In considering whether the complaint has merit involving a GAL appointed under Title 11 or 26, the Court Administrator shall consult with the Presiding Judge or Court Commissioner. In determining whether complaint has merit they 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 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 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 a Guardian ad Litem in question.

**(5) Written Response.**

**(A)** If a complaint has merit, the Court administrator and/or his or her designee, shall seek a written response from the GAL that is the subject of the complaint requesting the person to respond and address the specific issues raised in the complaint.

**(B)** If it is determined that the complaint does not have merit, no written response will be requested of the GAL and the Court Administrator will notify the complainant and close the file.

**(6) Findings.** Upon the receipt of a written response to a complaint from the Guardian ad Litem, a committee of the Presiding judge, Court Administrator and/or the Juvenile Court Administrator shall make a finding as to each of the specific issues in the complaint. Such findings shall state that either there is no merit to the issue based upon the Guardian ad Litem's response or that there is merit to the issue. The complainant and the Guardian ad Litem shall be notified in writing of the Committee's decision following receipt of the Guardian ad Litem's response.

**(7) Sanctions.** The Committee shall have the authority to issue a written admonishment, a written reprimand, refer the Guardian ad Litem to additional training, or remove the Guardian ad Litem from the registry. In considering a response, the Committee shall take into consideration any prior complaints that resulted in an admonishment, reprimand, referral to training, or suspension or removal from a registry. If a Guardian ad Litem 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 discretion of the Committee.

**(e) Confidentiality.**

**(1)** A complaint shall be deemed confidential for all purposes unless there has been a determination that it has merit and a response has been requested from the GAL.

**(2)** Any record of complaints filed which are not deemed to have merit and no response has been requested from the GAL shall be confidential and shall not be disclosed except by court order.

**(f) Responses to complaint.** GAL who is required to respond to a complaint shall do so in writing within ten (10) days of receiving request for response. Failure to respond within ten (10) days, absent good cause shown, will result in immediate suspension from the case assignment.

**(g) Complaint resolution time standards.** A complaint involving a pending case shall be resolved within 25 days of receipt of complaint. A complaint involving a case that is concluded shall be resolved within 60 days of receipt of complaint.

**(i) Removal from the registry.** A Guardian ad Litem who is removed from the registry, and who still has active or incomplete cases shall immediately report this circumstance to the Superior Court Administrator who will reassign such cases.

[Adopted effective September 1, 2020]

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## EXEMPLARS

### List of Exemplars:

- Exemplar #1 – Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability
  - Exemplar #2 – Request For and Order Appointing Legal Counsel
  - Exemplar #3 – Indigency Screening Form
  - Exemplar #4 – Notice Re: Arraignment Date; Omnibus Hearing Date; Trial Date
  - Exemplar #5 – Response to Statement of Arbitrability
  - Exemplar #6 – Arbitration Award
-



11. Trial brief ( ) on file ( ) will be filed( ) will not be filed

12. The names, mailing addresses and telephone number of the attorneys or parties requiring notice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. All other parties ( ) have been ( ) will be served with a copy of the notice on \_\_\_\_\_ date

INITIAL STATEMENT OF ARBITRABILITY

B. Plaintiff/Defendant certifies as follows:

( ) This case is subject to mandatory arbitration because the sole relief sought is a money judgment and involves no claim in excess of one-hundred thousand dollars (\$100,000.00) exclusive of attorney's fees, interest, and costs (MAR 1.2).

( ) This case is not subject to mandatory arbitration under RCW 7.06

C. Any party not in agreement with the information or estimates given in the Note for Trial Setting/Certificate of Readiness/Statement of Arbitrability shall file and serve within ten (10) days of the date of this notice, a written objection to trial setting or to the Statement of Arbitrability, and note the matter on for hearing to argue the objection.

Date \_\_\_\_\_

\_\_\_\_\_  
Attorney Name, WSBA #  
Attorney for (Plaintiff) (Defendant)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
email

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAMANIA/KLICKITAT**

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

NO.  
REQUEST FOR AND ORDER  
APPOINTING LEGAL COUNSEL

I, the undersigned defendant in the above entitled case, state under oath that I am without funds with which to employ counsel and cannot acquire such funds without substantial hardship to me, and therefore request the Court to appoint legal counsel to represent me at public expense.

I, the undersigned do realize that upon a plea of guilty or a finding of guilty, the Court may assess costs for the appointment of counsel to be paid to the Court.

I also understand that it is my responsibility to keep in touch with my Court appointed attorney.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant

It is hereby ordered that:

\_\_\_\_\_  
Attorney Name and WSBA#  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

\_\_\_\_\_  
Attorney Name and WBA #  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

is appointed to represent the above named defendant in this action throughout these proceedings.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

SKAMANIA/KLICKITAT COUNTY  
INDIGENCY SCREENING FORM

**CONFIDENTIAL**

[Per RCW 10.101.020(3)]

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

1. Place an "x" next to any of the following types of assistance you receive:

- Welfare**       **Poverty Related Veterans' Benefits**  
 **Food Stamps**       **Temporary Assistance for Needy Families**  
 **SSI**       **Refugee Settlement Benefits**  
 **Medicaid**       **Aged, Blind or Disabled Assistance Program**  
 **Pregnant Women Assistance Benefits**  
 **Other – Please Describe** \_\_\_\_\_

Recipients of public assistance are presumed indigent, but may be found able to contribute to the costs of their defense under RCW 10.101.010. *State v. Hecht*, 173 Wash. 2d 92 (2011).

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2. Do you work or have a job?  yes  no. If so, take-home pay: \$ \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer's name & phone #: \_\_\_\_\_

3. Do you have a spouse or state registered domestic partner who lives with you?  yes  no Does she/he work?  yes  no If so, take-home pay: \$ \_\_\_\_\_

Employer's name: \_\_\_\_\_

4. Do you and/or your spouse or state registered domestic partner receive unemployment, Social Security, a pension, or workers' compensation?  yes  no

If so, which one? \_\_\_\_\_ Amount: \$ \_\_\_\_\_

5. Do you receive money from any other source? \_\_\_ yes \_\_\_ no If so, how much? \$ \_\_\_\_\_

6. Do you have children residing with you? \_\_\_ yes \_\_\_ no. If so, how many? \_\_\_\_\_

7. Including yourself, how many people in your household do you support? \_\_\_\_\_

8. Do you own a home? \_\_\_ yes \_\_\_ no. If so, value: \$ \_\_\_\_\_ Amount owed: \$ \_\_\_\_\_

9. Do you own a vehicle(s)? \_\_\_ yes \_\_\_ no. If so, year(s) and model(s) of your  
vehicle(s): \_\_\_\_\_ Amount owed: \$ \_\_\_\_\_

10. How much money do you have in checking/saving account(s)? \$ \_\_\_\_\_

11. How much money do you have in stocks, bonds, or other investments? \$ \_\_\_\_\_

12. How much are your routine living expenses (rent, food, utilities, transportation) \$ \_\_\_\_\_

13. Other than routine living expenses such as rent, utilities, food, etc., do you have other  
expenses such as child support payments, court-ordered fines or medical bills, etc.? If so, describe:  
\_\_\_\_\_

14. Do you have money available to hire a private attorney? \_\_\_ yes \_\_\_ no

15. ***Please read and sign the following:***

**I understand the court may require verification of the information provided above.**

**I agree to immediately report any change in my financial status to the court.**

**I certify under penalty of perjury under Washington State law that the above is true and correct.  
(Perjury is a criminal offense-see Chapter 9A.72 RCW)**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City

\_\_\_\_\_  
State

FOR COURT USE ONLY - DETERMINATION OF INDIGENCY

\_\_\_\_\_ Eligible for a public defender at no expense

\_\_\_\_\_ Eligible for a public defender but must contribute \$ \_\_\_\_\_

\_\_\_\_\_ Re-screen in future regarding change of income (e.g. defendant  
works seasonally)

\_\_\_\_\_ Not eligible for a public defender

\_\_\_\_\_  
JUDGE





