

SUMMARY OF 2020 LOCAL RULE AMENDMENTS

Note regarding hyperlinks – Adding a note to the beginning of the Local Rules handbook provides an admonishment that URL's are only added to a local rule for convenience.

LGR 14.2. Hyperlinks – A new general rule regarding the use of hyperlinks within the local rules stating that the hyperlink is informational only and not binding on the court.

LGR 31. Access to Court Records – Amendment to add case type 0's now used in the Clerk's Office new system, KC Script. Case type 0's categorize miscellaneous public records.

LCR 4. Civil Case Schedule – Removes the list of cases that receives a case schedule and replaces the list with a link to the Clerk's website containing the full list.

LCR 7(b)(10). Motions Shortening Time – Amendment promotes clarity by eliminating redundant language.

LCR 40.1. Ex Parte and Probate Department – Amendments fix formatting issues as well as re-structures the entire rule for clarity and places the correct content under the appropriate titles. Additional proposed language clarifies how a case is certified for trial.

LCR 41(b)(2)(A). Failure to Appear for Trial – Amendment clarifies that failure to appear for trial should be dismissed without prejudice as the current sentence contradicts case law under CR 40(d).

LCR 55. Default and Judgment – Adds language to specifically state a copy of the negotiable instrument (assignment) should be included with any motions of default in collection cases. Additional proposed language clarifies that if testimony will be required the case should be returned to the assigned judge.

LCR 78. Clerks – Changes eliminate outdated processes as well as duplicate language already spelled out in the RCW's.

LCR 82. Case Assignment Area – Allows actions filed pursuant to real property tax foreclosure to be filed in either case assignment area and not in the assignment area of the property address. Additional proposed changes state domestic modifications must proceed in the original case assignment area until an order of transfer is entered.

LCAR. Local Civil Arbitration Rules – Amendments prompted by the 2018 legislation changes as well as the State's decision to change the name of the Local Mandatory Arbitration Rules. These changes were adopted on an emergency basis on July 23, 2019.

LCcR 7.1. Presentence Investigation – Creates consistency between our local rule and the state rule and provides direction to submit a presentence report prior to sentencing when an exceptional sentence is recommended.

LFLR 22. Surrogacy Agreements – A new rule to comply with the newly enacted surrogacy legislation. This rule was adopted as an emergency rule on June 20, 2019.

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NOTE REGARDING HYPERLINKS

NOTE: Some Local Rules may contain hyperlinks to forms, manuals containing specific procedural information, and other electronic resources as deemed appropriate. Hyperlinks are simply convenient mechanisms for accessing material in a document. The court accepts no responsibility for the availability, functionality, or accuracy of any hyperlink found in the Local Rules. See Local General Rule 14.2.

LGR 14.2. HYPERLINKS

Hyperlinks may be provided in the King County Superior Court Local Rules for the purpose of providing a convenient mechanism for accessing material cited in the document. The material provided by hyperlink is extraneous to any rule and its contents are not binding on any court. See LCR 7(b)(5)(iv). Parties shall refer to current local rules to determine if any later adoptions, amendments, or rescissions have been made by the court which may conflict with linked materials.

LGR 31. ACCESS TO COURT RECORDS

(d) Access.

(2) On-line document review through the Clerk's electronic records system outside of the

clerk's office and outside of King County's wide area network shall be restricted to cases filed November 1, 2004 and forward and shall be limited to the following case types:

(i) All criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) All civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) All probate cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.

(iv) Final parenting plans, decrees, and child support orders in cases filed under RCW 26.09, 26.10, and 26.26.130(7)(b).

(v) Miscellaneous public records kept by the clerk and categorized with a 0 as the third digit of the case number.

(f) Distribution of Court Records Not Publicly Accessible

(2) Investigations by the Judicial Conduct Commission: Access to Sealed Files and Documents

(A) Confidential Use: Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

(B) Public Use: No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LCR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

LCR 4. CIVIL CASE SCHEDULE

(a) Case Schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in paper form the Clerk will provide two copies to the party filing the initial pleading.

(b) Cases not governed by a Case Schedule. Unless otherwise ordered by the Court, ~~the following all other~~ cases will not be issued a Case Schedule on filing: The cases that will be issued a Case Schedule are listed on the Clerk's Case Index Cover Sheets located at <https://www.kingcounty.gov/courts/clerk/forms.aspx>.

- ~~— (1) Change of name;~~
- ~~— (2) Domestic violence protection (RCW chapter 26.50);~~
- ~~— (3) Anti-harassment protection (RCW chapter 10.14);~~
- ~~— (4) Uniform Reciprocal Enforcement of Support Act (URESA) and Uniform Interstate Family Support Act (UIFSA). See LFLR 5;~~
- ~~— (5) Unlawful detainer;~~
- ~~— (6) Foreign judgment;~~
- ~~— (7) Abstract or transcript of judgment;~~
- ~~— (8) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;~~
- ~~— (9) Civil commitment;~~
- ~~— (10) Proceedings under RCW chapter 10.77;~~

- ~~— (11) Proceedings under RCW chapter 70.96A;~~
- ~~— (12) Proceedings for isolation and quarantine;~~
- ~~— (13) Vulnerable adult protection (RCW 74.34);~~
- ~~— (14) Proceedings referred to referee under RCW 4.48. See LCR 53.1;~~
- ~~— (15) Adoptions;~~
- ~~— (16) Sexual Assault protection (RCW 7.90)~~
- ~~— (17) Emancipation of a Minor. See LFLR 18;~~
- ~~— (18) Will Contests, Probate and TEDRA Matters;~~
- ~~— (19) Marriage Age Waiver Petitions. See LFLR 19;~~
- ~~— (20) Receivership Proceedings (filed as an independent action and not under an existing proceeding);~~
- ~~— (21) Work Permits;~~
- ~~— (22) Small Claims Appeals;~~
- ~~— (23) Petition to Approve Minor/Incapacitated Adult Settlement (when filed as an independent action and not under an existing proceeding);~~
- ~~— (24) Interpleader Actions.~~
- (c) Service of Case Schedule.**
- (1)...**

LCR 7(b)(10). MOTIONS SHORTENING TIME

...(10) Motions Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice, ~~of the pending motion to shorten time~~. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next court day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court...

LCR 40.1. EX PARTE AND PROBATE DEPARTMENT

This rule governs all matters presented to the Ex Parte and Probate Department and directs certain other matters elsewhere.

(a) Ex Parte and Probate Department.**(1) Ex Parte and Probate Department Presentation of Motions and Hearings**

Manual. The Ex Parte and Probate Department and probate Presentation of Motions and Hearings Manual ("Motions and Hearings Manual") is issued by the clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the clerk's office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the clerk's office. The Motions and Hearings Manual shall be made available online at <https://www.kingcounty.gov/courts/clerk/documents/ExParte.aspx> and in paper form through the clerk's office and the Ex Parte and Probate Department.

(2) Argument. Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

(A) Matters With Oral Argument. Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

(B) Matters Required to be Noted. Those matters that require notice to another party and all matters listed under Local Rule 98.16, 98.04, and 98.20 must be noted for hearing with oral argument in the Ex Parte and Probate Department and served on all parties.

(C) Matters Without Oral Argument. All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the clerk's office. Parties must deliver or mail submit their paperwork to the clerk's office directly. The clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

(3) Certification to a Judge. At the judicial officer's discretion, a case assigned to the Ex Parte and Probate Department may be certified for assignment to a judge. Upon certification, the clerk's office will assign the case to a judge with a trial date. Once assigned to a judge, the entire case is before that judge, including all motions except as provided otherwise in these rules or by the Court.

(b) Motions and Other Procedures.

~~**(1) Scope of Rules.** This rule governs all matters presented to the Ex Parte and Probate Department.~~

(2) (1) Cases Not Assigned. Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing shall be presented to the Ex Parte and Probate Department. The following cases or motions are heard by the Ex Parte and Probate Department:

(A) Adoption Proceedings. Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will

assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the clerk.

(B) Agreed and Default Family Law Decrees and Modifications. See LFLR 5.

(C) Antiharassment, Domestic Violence, Sexual Assault and Vulnerable Adult Protection Orders:

(i) Antiharassment Petitions. Applications for temporary antiharassment protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final antiharassment protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(ii) Domestic Violence Protection Orders. See LFLR 12.

(iii) Sexual Assault Protection Orders. Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders shall be set by the clerk or Judicial Officer on the Antiharassment/Sexual Assault Protection Order calendar.

(iv) Vulnerable Adult Protection Orders. Applications for temporary vulnerable adult protection orders shall be presented to the Ex Parte and Probate Department. Hearings on final vulnerable adult protection orders shall be set by the clerk or Judicial Officer before the Ex Parte and Probate Department.

(D) Guardianships, Probates and Other Settlements of Claim Involving Incapacitated Adults or Minors. All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the clerk's office. If the matter is contested, it may be referred by the judicial officer to the clerk who will issue a trial date and will assign the case to a judge.

(E) Judgments on Arbitration Awards. Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

(F) Orders to Show Cause. All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

(G) Orders Waiving Filing Fees. In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: www.kingcounty.gov/courts/clerk/fees.aspx.

~~**(H) Requests to Waive Ex Parte via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: www.kingcounty.gov/courts/clerk/fees. See LCR 78 regarding the waiver of ECR On-line fees.~~

~~**(I) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: www.kingcounty.gov/courts/clerk/fees.~~

~~**(J) (H) Orders to Remove Non-ECR Files.** Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.~~

~~**(K) (I) Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case~~

combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

~~(L)~~ **(J) Receivership Proceedings.** If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

~~(M)~~ **(K) Sealed Files.** See LGR 15, LCR 26(b) and LFLR 11.

~~———(N) Temporary Restraining Orders. Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.~~

~~(O)~~ **(L) Unlawful Detainer Actions.** The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

~~———(P) Unopposed Matters. Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Respective Chief Judge in accordance with LGR 7 and LGR 29(h).—~~

~~(Q)~~ **(M) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the clerk's office. The moving party shall obtain a date from the assigned trial court for the return hearing before presenting the motion to the Ex Parte and Probate Department. For other writs, see LCR 40 (b)(13).

~~(R)~~ **(N) Post-Foreclosure Motions.** Following the entry of the order of foreclosure by the assigned judge, motions to confirm the sale and/or motions for an order to disburse funds shall be set in the Ex Parte and Probate Department and be presented in person with notice pursuant to LCR 7 (b) to all parties who have appeared.

~~(3) Assigned Cases. Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:~~

(2) Matters Assigned to a Judge, But Heard in the Ex Parte and Probate Department

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the clerk to seal a document or file, provide for a protective order pursuant to LCR 26(c) or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed word limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated person or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

~~(N)~~ **(F) Temporary Restraining Orders.** Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

~~(P)~~ **(G) Unopposed Matters.** Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order. Motions for default orders and default judgments shall be presented to the Ex Parte and Probate Department, unless any defendant has appeared in the matter, in which case it shall be noted before the assigned judge, or if no judge has been assigned to the Respective Chief Judge in accordance with LCR 7 and LGR 29(h).

(c) (4) Matters Not Presented to the Ex Parte and Probate Department. Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

(1) Matters Presented to the Clerk

~~(H)~~ **(A) Requests to Waive Ex Parte via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the clerk. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: www.kingcounty.gov/courts/clerk/fees. See LCR 78 regarding the waiver of ECR On-line fees.

(2) Matters Presented to the Assigned Judge

~~(I)~~ **(A) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs. See GR 34. Forms and instructions for these waivers are available at the clerk's office or on the clerk's website: www.kingcounty.gov/courts/clerk/fees.

~~(5) Argument.~~ Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

~~(A) Matters With Oral Argument.~~ Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

~~(B) Matters Without Oral Argument.~~ All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the clerk's office. Parties must deliver or mail their paperwork to the clerk's office directly. The clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

~~(C) Matters Required to be Noted.~~ Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

LCR 41(b)(2)(A). FAILURE TO APPEAR FOR TRIAL**(b) Involuntary Dismissal.****(2) Dismissal on Clerk's Motion.**

(A) Failure to Appear for Trial. ~~If the court has not been previously notified that the trial is no longer necessary, an order of dismissal will be entered on the date the trial is to be commenced.~~ If the court has been notified that the trial is no longer necessary and the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LCR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) ...

LCR 55. DEFAULT AND JUDGMENT**(a) Entry of Default.**

(1) Order of Default. When there has not been an appearance by any non-moving party, the moving party shall seek entry of an Order of Default from the Ex Parte and Probate Department through the clerk's office. When there has been an appearance by any non-moving party or more than one year has elapsed since service of the summons with no appearance made, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Respective Chief Judge (see LGR 29(h)). The Motion in support of the Order for Default shall affirmatively state: (A) whether or not there has been an appearance by any non-moving party, and (B) how service of the summons complied with CR 4(d) and applicable state statute(s), and provide supporting documentation of proof of service. Failure to so state shall result in the denial of the motion for default without prejudice.

(2) Late Appearance or Answer. When a non-moving party has appeared or answered before consideration of the Motion for Order of Default, the moving party shall notify the hearing judge or commissioner.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party shall move for entry of judgment against the party in default from the Ex Parte and Probate Department through the clerk's office. ~~If the Court determines that testimony is required, the moving party shall schedule the matter to be heard in person in the Ex Parte and Probate Department.~~

(1) Testimony Needed. If testimony is required pursuant to Civil Rule 55(b), the moving party shall schedule the matter to be heard before the assigned judge. If there is no assigned judge, the moving party shall file a motion before the Respective Chief Judge for assignment of the case to a judge.

(2) Minimum Requirements for Submission. Parties are required to present proof of all elements of their claim, including, but not limited to:

(A) Assigned Causes of Action. In debt collection cases where the cause of action has been assigned, a declaration from the assignor for each assignment and a declaration executed by an individual with personal knowledge of the records supporting the judgment amount.

(B) Negotiable Instruments. In cases based upon negotiable instruments: the original negotiable instrument or a certified copy with an attestation that the original has been

destroyed, or a facsimile of the original instrument or proof provided by a bank as defined in RCW 62A.4-105.

(g) Family Law Cases. In family law proceedings (see LFLR 1), motions for default and for default judgment are governed by LFLR 5 and 15, not by LCR 55.

LCR 78. CLERKS

~~—(a) Powers and Duties of Clerk.~~

~~—(1) Certification. The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.~~

(c) Orders by Clerk.

(1) Commission to Take Testimony in Probate and Adoption Proceedings. Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

(f) Bonds.

(1) Cash Bonds; Minimum Amount. Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least \$25 and shall be paid in cash.

(2) --Same; Withdrawal. The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal, ~~and forthwith upon its entry, withdraw the bond.~~

~~—(g) Disbursal of Trust Funds. Trust funds that are paid by attorney's check or company's check will be available to be disbursed eight court days after receipt by the Clerk. Trust funds that are paid by cash or guaranteed funds will normally be available to be disbursed the first or second court day following receipt by the Clerk.~~

~~—(h) Interest Bearing Accounts.~~

~~—(1) Requests and orders directing the Clerk to place trust funds in amounts exceeding \$2,000.00 into an interest bearing account, must be delivered to the Cashier Section of the King County Superior Court Clerk's Office. If the request or order was filed prior to payment of the trust funds, a copy of the request or order must be delivered to the Cashier Section at the time the trust funds are paid.~~

(i) (g) Waiver of ECR Online fees. Requests to waive fees for ECR Online shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: www.kingcounty.gov/courts/clerk

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) ...

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

(A) ...

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

(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~~ proceed in the original case assignment area until an order of transfer is entered.

(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.

(xii) Actions brought pursuant to RCW 84.64.050. For actions filed pursuant to RCW 84.64.050 (real property tax foreclosure), either case 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 presented to the Respective Chief Judge Chief Civil Judge or the Chief Judge of the Maleng Regional Justice Center. Such motions 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)...

KING COUNTY LOCAL **CIVIL** ARBITRATION RULES

(Cite as **LMAR-LCAR**)

I. SCOPE AND PURPOSE OF RULES

LMAR LCAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS

(a) Purpose. The purpose of ~~mandatory~~ arbitration of civil actions under RCW 7.06 as implemented by the ~~Mandatory Civil~~ Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims ~~subject to arbitration by state law up to one hundred thousand dollars (\$100,000).~~ The ~~Superior Court Mandatory Civil~~ Arbitration Rules as supplemented by these local rules are not designed to address every question that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) "Supervisor" Defined. In these rules, "Supervisor" means the Supervisor of Arbitration for the King County Superior Court or the Supervisor's designee.

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

(a) **Matters Subject to Arbitration.** A claim filed prior to September 1, 2019 is subject to civil arbitration if it does not exceed fifty thousand dollars (\$50,000), exclusive of attorney fees, interest and costs. A claim filed after September 1, 2019 is subject to civil arbitration if it does not exceed one hundred thousand dollars (\$100,000), exclusive of attorney fees, interest and costs.

~~(a-b)~~ **Statement of Arbitrability.**—A party believing a case to be suitable for civil arbitration pursuant to ~~MAR~~ **SCCAR 1.2** shall file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause.

~~(b c)~~ **Response to a Statement of Arbitrability.**

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion before the assigned judge.

~~(c-d)~~ **Filing Amendments.** A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

~~(d-e)~~ **By Stipulation.** A case in which all parties file a stipulation to arbitrate under SCCAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, by leave of the Court.

~~(e-f)~~ **Case Schedule Stricken.** Upon transfer of the case to arbitration, the case schedule is stricken.

LMAR LCAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) **Generally.** When a case is set for arbitration, a list of proposed arbitrators will be furnished to the parties. The number of proposed arbitrators is based upon the number of adverse parties in the case. The number of adverse parties shall be determined by the Supervisor, subject to review by the Presiding Judge.

(b) **Stipulations.** The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the proposed arbitrators in the manner defined by this rule.

(c) Response by Parties. Each party may, within 14 days after the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two 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 Supervisor will appoint an arbitrator from among those not stricken by either party.

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

(e) No Response. If neither party responds within 14 days, the Supervisor will appoint one of the proposed arbitrators.

III. ARBITRATORS

~~LMAR~~ LCAR 3.1 QUALIFICATIONS

(a) Arbitration Panel. ~~There shall be a panel of arbitrators who qualify under RCW 7.06.040 and SCCAR 3.1.~~ A person desiring to serve as an arbitrator shall complete an oath of office and information sheet on the form prescribed by the Court. The Arbitration Department will maintain and make available a list of arbitrators available to hear cases.

(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 Supervisor 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 Rule 2.11 governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Supervisor.

~~LMAR~~ LCAR 3.2 AUTHORITY OF ARBITRATORS

See ~~MAR~~ SCCAR 3.2(a)(1)-(9). In addition to the authority granted to arbitrators by ~~MAR~~ SCCAR 3.2 (a), an arbitrator has the authority to:

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

(b) Require a party or attorney or both to pay the reasonable expenses, including attorney 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 ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under ~~MAR~~ SCCAR 6.3.

(c) See ~~MAR~~ SCCAR 3.2 for the relationship between the arbitrator's and judge's authority over a case in arbitration.

IV. PROCEDURES AFTER ASSIGNMENT

~~LMAR~~ LCAR 4.2 DISCOVERY

(a) In determining when additional discovery beyond that directly authorized by ~~MAR~~ **SCCAR** 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) ***Discovery Pending at the Time Arbitrator is Assigned.*** Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by ~~MAR~~ **SCCAR** 4.2.

~~LMAR~~ LCAR 4.4 NOTICE OF SETTLEMENT

(a) ***Notice of Settlement.*** After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five court days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the Court. Where the notice cannot be filed with the arbitrator before the arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

(b) ***Form of Notice.*** The notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in ~~LMAR~~ **SCCAR** 4.4(d), the case may be dismissed on the Clerk's motion pursuant to ~~LMAR~~ **SCCAR** 4.4(c).

Date

Attorney for Plaintiff

WSBA No.

(c) ***Dismissal on Clerk's Motion.*** See LCR 41(b)(2).

(d) ***Settlement Without Dismissal.*** If the parties have reached a settlement fully resolving all claims against all parties, but wish to postpone dismissal beyond the period set forth in section (c) above, the parties may, within 30 days after filing the Notice of Settlement of All Claims, file a Certificate of Settlement Without Dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

- 1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rules for Mandatory Arbitration 4.4(a), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

- 2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

- 2.2 The original of the settlement agreement is in the custody

of: _____

at: _____.

- 2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of : _____.

Date: _____

III. SIGNATURES

Attorney for Plaintiff/Petitioner
WSBA No. _____

Attorney for Defendant/Respondent
WSBA No. _____

Attorney for Plaintiff/Petitioner
WSBA No. _____

Attorney for Defendant/Respondent
WSBA No. _____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled hearing date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution, unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

V. HEARING

~~LMAR~~ LCAR 5.1 NOTICE OF HEARING-TIME AND PLACE-CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. ~~Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than 21 days, nor later than 75 days, from the date of the assignment of the case to the arbitrator.~~ The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Supervisor.

~~LMAR~~ LCAR 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

In addition to the requirements of ~~MAR~~ SCCAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file that the party deems relevant.

VI. AWARD

~~LMAR~~ LCAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the Court.

(b) Return of Exhibits. After an award is filed, the arbitrator shall make available to, and parties shall collect, any exhibits offered during the hearing.

~~LMAR~~ LCAR 6.2 FILING OF AWARD

(a) Extension of Time. A request by an arbitrator for an extension of time for the filing of an award under ~~MAR~~ SCCAR 6.2 shall be presented in writing to the Supervisor, ex parte. The Supervisor may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

~~LMAR~~ LCAR 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Ex Parte Department, by any party, on notice in accordance with ~~MAR~~ SCCAR 6.3.

VII. TRIAL DE NOVO**~~LMAR~~ LCR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND**

(a) Assignment of Trial Date. If there is a request for a trial de novo, the Court will assign an accelerated trial date ~~no later than 240 days from date of assignment. A request for trial de novo may include a request for assignment of a particular trial date or dates, provided that the date or dates requested have been agreed upon by all parties and are between 60 and 120 days from the date the request for trial de novo is filed.~~

(b) Jury Demand. Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(c) Case Schedule. Promptly after the request for trial de novo is filed, the Court will issue to all parties a Notice of Trial Date together with the Trial De Novo Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

	Weeks Before Trial
Disclosure of Possible Witnesses (LCR 26):	12
Discovery Cutoff (LCR 37(g)):	7
ADR Requirement:	4
Pretrial Conference (individual calendar option only) (LCR 16):	
..... [may be ordered by preassigned Judge]	
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 4): ..	3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56):.....	2
Joint Statement of Evidence (LCR 4):	1
Trial (LCR 40):	0

(d) Motion to Change Trial Date. No later than 21 days after the date of the filing of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the filing of the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

VIII. GENERAL PROVISIONS**~~LMAR~~ LCR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED**

If a case not otherwise subject to ~~mandatory~~ civil 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.

~~LMAR~~ LCR 8.4 TITLE AND CITATION

These rules are known and cited as the King County Superior Court ~~Mandatory~~ Civil Arbitration Rules. ~~LMAR-LCAR~~ is the official abbreviation.

LMAR LCAR 8.5 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the Supervisor a request for payment on a form prescribed by the Court. The Supervisor shall determine the amount of compensation to be paid. The decision of the Supervisor will be reviewed by the Presiding Judge at the request of the arbitrator.

LCcR 7.1. PRESENTENCE INVESTIGATION

(a) ~~When Required; Time of Service~~ Presentence Reports; Time of Service. Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

(b) Exceptional Sentences. Any party requesting that the court impose an exceptional sentence shall serve on the opposing counsel and provide a working copy to the court of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing. When exceptional sentences are agreed, the parties shall jointly submit proposed findings in support of the request for an exceptional sentence no later than seven days before the date scheduled for sentencing. Working copies shall be submitted pursuant to LCR 7(b)(4)(F) to the extent not inconsistent with this rule.

(bc) Penalties for Violation. A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports and/or proposed findings have been ~~filed~~ provided as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

~~—(c) Working Copies.~~ Any party requesting that the court impose an exceptional sentence shall serve a working copy of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing. Working copies shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule.

LFLR 22. SURROGACY AGREEMENTS

(a) Gestational and Genetic Surrogacy. An action related to a surrogacy agreement pursuant to RCW 26.26A.700-785 is commenced by filing a petition under a new cause number. All cases issued under this section will be assigned to the Chief Unified Family Court Judge.

(1) All motions, including agreed motions, regarding surrogacy agreements or establishment of parentage pursuant to a surrogacy agreement shall be noted for hearing before the Chief Unified Family Court Judge without oral argument. The moving party shall note the hearing on an approved Notice of Court Date form no later than 14 days in advance of the hearing date. The moving party shall serve and file all motion documents and submit working copies no later than 14 days in advance of the hearing date. If requested by the Chief Unified Family Court Judge, a hearing may be rescheduled to permit oral argument on the motion or it may be rescheduled to a different judicial officer designated by the Chief Unified Family Court Judge.

(2) If the Chief Unified Family Judge certifies the matter for trial, the petitioner shall promptly contact the assigned judge to schedule a LCR 16 conference.

(b) Genetic Surrogacy. The following provisions apply only to Genetic Surrogacy.

(1) Termination of Agreement. If an order validating a genetic surrogacy agreement is signed by the court and the parties subsequently terminate the agreement, the parties shall file a notice of termination of agreement under the same cause of action as the order validating the genetic surrogacy agreement.

(2) Motion to Decide Parentage. After a child is born pursuant to a genetic surrogacy agreement and order validating the genetic surrogacy agreement, parties will file a motion to decide parentage under the same cause of action as the order validating the genetic surrogacy agreement. The motion shall be noted as provided in subsection (b).