

November , 2010 Bar News

COURTROOM 100 COMMISSIONER RELOCATION

The Courtroom 100 Court Commissioner will remain in 100 until mid/late December. **Matters normally heard before the Court Commissioner in Room 100 will be heard in Courtroom 2A beginning December 20 through January and possibly February, 2011. Please watch for signs.**

JUDGE CUTHBERTSON RECEIVED JUDGE OF THE YEAR AWARD FROM AMERICAN BOARD OF TRIAL ADVOCATES

Pierce County Superior Court Judge Frank Cuthbertson received the 2010 "Judge of the Year" award from the Washington Chapter of the American Board of Trial Advocates (ABOTA). The award honors members of the judiciary who demonstrate unwavering dedication to the right to trial by jury, access to justice for all people, and civility among lawyers, litigants and the judiciary. The award was presented to Judge Cuthbertson at the ABOTA's Annual Dinner in October.

JUDGE LEE RECEIVED JUDGE OF THE YEAR AWARD FROM ASIAN BAR ASSOCIATION

Pierce County Superior Court Judge Linda Lee received the 2010 "Judge of the Year" award from the Asian Bar Association of Washington (ABAW). The award honors members of the judiciary who support the legal needs and interests of the Asian Pacific American community by promoting justice, equity and opportunity for Asian Pacific Americans. Judge Lee is a graduate of the William S. Richardson School of Law of the University of Hawaii at Manoa, Honolulu. She was in private practice with the Tacoma law firm of Gordon Thomas Honeywell for 13 years. In May 2004, Gov. Gary Locke appointed her a Judge of the Pierce County Superior Court. Judge Lee is a past President of the Asian Bar Association of Washington.

CONGRATULATIONS JUDGE MARTIN

Judge Elizabeth Martin received the "Passing the Torch" award which honors outstanding mentoring efforts. The award was presented by the Washington Women Lawyers at their annual state banquet in October in Spokane.

NEW COURT COMMISSIONERS

Clint Johnson was chosen by the Superior Court Judges to replace Commissioner Ed Haarmann who retired October 1. Mr. Johnson will be sworn in in a public ceremony on November 4 at 4:00 p.m. in Courtroom 100. Windy Zicht was chosen to replace Commissioner David Johnson who will retire December 23. No official swearing in date has been set for Ms. Zicht. Congratulations to both! A retirement party for Commissioner Johnson will be held December 9 at 4:00 in Room 123, County-City Building.

EMERGENCY LOCAL RULE

In accordance with GR 7(e) on September 13, 2010, the Judges of the Superior Court of Pierce County approved the adoption of the following Emergency Local Court Rule Change to PCLR 1

(a) (16) (iii): **Add Child Support or Maintenance Modifications...**before Estate/probate. The Emergency Local Rule is effective as of September 13, 2010. For complete text of revised rule see PCLR 1.

(16) The following case types for which the Clerk shall issue, at the time of filing, an Order Assigning Case to Judicial Department Setting a Hearing as indicated:

(iii) Case types to be review in 12 months after filing:

Child Support or Maintenance Modifications

Estate/probate, except any will contest or litigation matter arising in a probate case shall be assigned a Case Schedule when the Petition to Contest the Will is filed or the estate is sued.

Paternity Parent Determination

COMMISSIONER ISSUES

Providing Working Copies for the Commissioner's Hearings

Working copies for all morning show cause hearings and the probate, guardianship and minor settlement matters must be delivered to the Commissioners Service Department in Room 140 no later than 12:00 noon two (2) court days prior to the hearing. This deadline shall not apply to responsive pleadings in unlawful detainer matters. A copy of the e-filed Note for Commissioner's Calendar must be attached to each set of copies and should indicate in the upper right hand corner who is delivering the papers (moving party or opposing party). Working copies means all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents, and proposed orders.

Working copies are encouraged but not mandatory for all other dockets conducted in Civil Divisions A, B and C and at the discretion of the court, cases may be continued to require their submission.

PCLSPR94.04; PCLSPR 98.04; PCLSPR 98.16; PCLSPR 98.18; PCLSPR 98.20.

Scheduling hearings on the Commissioners' Dockets

Motions heard on both the morning and afternoon Commissioners' dockets at the County-City Building (other than domestic violence, sexual assault protection, vulnerable adult) must be docketed by using the Note for Commissioner's Calendar which shall be electronically filed through LINX, utilizing the drop down e-file menu in order to select the correct docket, date and time.

The term "filed electronically" as used in current versions of PCLR 7(b)(1)(D), PCLR 7(b)(1)(D)(i), PCLSPR 94.04 (c)(1), PCLSPR 98.04 (b), PCLSPR 98.16 (e),

PCLSPR 98.18 (f) and PCLSPR 98.20 (b) relating to the Note for Commissioner's Calendar means using the built-in Note for Commissioner's Calendar within the Linx e-filing module so that the Note is filed electronically and the proceeding is electronically scheduled. Simply e-filing a hard copy of a Note for Commissioner's Calendar without utilizing the drop-down e-file menu within the LINX e-filing module will not properly schedule the motion on the Commissioner's Docket. Available dates and times for hearings on the Commissioner's Calendar are contained within the drop-down e-file menu. Self-represented parties and attorneys without LINX access shall use the Clerk's Office kiosk or Clerk's Office services to docket matters on the Commissioners' calendars.

Formal adoption of amended rules regarding this issue will be forthcoming. For clarifying instructions regarding Note for Commissioner's Calendar as it relates to counter motions under PCLR 7(b)(1)(D)(ii) and PCLSPR 94.04 (c)(2), see below.

Counter Motions on the Morning Show Cause Calendars

In the event there is an existing motion or adequate cause hearing and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by electronically filing a Note for Commissioner's Calendar, as long as the counter motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause shall be timely presented to the Ex Parte Department.

"Electronically filed" means using the built-in Note for Commissioner's Calendar within the Linx e-filing module so the Note is filed electronically and the proceeding is electronically scheduled. Simply e-filing a hard copy of a Note for Commissioner's Calendar without utilizing the drop-down e-file menu within the LINX e-filing module will not properly schedule the motion on the Commissioner's Docket. Available dates and times for hearings on the Commissioner's Calendar are contained within the drop-down e-file menu.

*****Until the LINX programming is finished, please drop off the paper Note for Commissioner's Calendar to the Commissioners Services Department in room 140 so that the counter motion can be docketed.**

Motions

Please review PCLR 7 (b) (c) and PCLSPR94.04; PCLSPR 98.04; PCLSPR 98.16; PCLSPR 98.18; PCLSPR 98.20 for motion practice before the Commissioners.

Working Copies

It is essential that working copies be provide in a timely manner in order to allow the Commissioners to read and prepare for their dockets. Due to budget cuts the Clerk's Office is unable to file pleadings as quickly as had been done in the past. Sometimes only the only documents available to the Commissioners are the working copies, since the pleadings may not be online or in the court file.

DRUG COURT ENHANCEMENT GRANT

Pierce County Superior Court has been awarded an expansion and enhancement grant of \$300,000 to expand the number of participants and treat more individuals including veterans. The defendants who qualify for this program will be individuals charged with non violent offenses, no prior strike offenses, no sexual offenses or person to person crimes who have substance abuse issues.

CIVIL CASE COVER SHEET UPDATE

Included in this issue is the latest version of the Case Cover Sheet. Please note the changes to the Appeal Track and Modification of Support. Law firms should replace older versions of this form

NATIONAL ADOPTION DAY

Pierce County Juvenile Court will be celebrating National Adoption Day on November 19th. As in past years, the event involves ten foster/adopt families, certificates and teddy bears for the children, face painting, family photos, and refreshments. Wendy's Wonderful Kids and the Dave Thomas Foundation participates, several adoption agencies are represented, and we expected to have the media in attendance as well. The celebration is open to the public, will begin at 9 a.m. and usually includes approximately 200 people; it is festive and each family is made to feel very special.

NON JURY WEEK (November 22, 23, 24, 2010)

Reminder that due to budget cuts, there will be no new Superior Court jury trials started during Thanksgiving week. However, jury trials that begin the prior week will continue.