

Pursuant to PCLR 83, the **Second Round** of changes to Pierce County Local Rules for Superior Court are submitted to the TPCBA. All changes are in red and/or underlined. **Please submit any written comments before April 30, 2010 at 4:30 p.m. to Commissioner Robyn A. Lindsay, Chair, Local Rules Committee. The comment period for earlier published rules differs and is earlier. Notice: All comments will be provided to the Judges and Court Commissioners.**

Thereafter, the Local Rules Committee will review and consider all comments as deemed necessary. The proposed changes will then be presented a meeting of all the judges.

Note:

-All rules eliminate the listing of the effective date of each rule and its amendment history. The words party(ies) pro se has been replaced by “self-represented party/parties”.

-Some of these rules have already been published for comment beginning in February 2010 and the new changes just represent renumbering so that the local rule numbers correspond with the state civil rules.

Proposed Rules:

1. Part I. Administrative Rules

PCLR 0.1 to 0.7

Reason for request: To clean up the rules and eliminate unnecessary, superfluous language. Clarifies the management of the court at 0.3 and moves language about motions before the judges from 0.2 to PCLR 7 and clarifies the duties of standing committees at 0.6 and defines the scope of matters that legal assistants may present to the court at 0.7. Rule 0.4 has been significantly revised and the majority of the language concerning the hearings before the commissioners moved to PCLR 7 Motions.

Proposed Rules:

**LOCAL RULES OF THE SUPERIOR COURT FOR PIERCE
COUNTY**

**Adopted Effective June 1, 1990
And as Amended thereafter**

~~Including Amendments Effective
June 1, 1994
September 1, 1995~~

~~July 1, 1996~~
~~July 2, 1996~~
~~July 1, 1997~~
~~September 1, 1998~~
~~September 1, 1999~~
~~Amended on an emergency basis effective May 15, 2000~~
~~September 1, 2000~~
~~September 1, 2001~~
~~September 1, 2002~~
~~Amended on an emergency basis effective December 2, 2002~~
~~September 1, 2003~~
~~September 1, 2004~~
~~Amended on an emergency basis effective September 24, 2004~~
~~September 1, 2005~~
~~September 1, 2006~~
~~September 1, 2007~~
~~Amended on an emergency basis effective July 1, 2008~~
~~September 1, 2008~~
~~Amended on an emergency basis effective June 1, 2009~~
~~September 1, 2009~~

The Local Rules PCLRs are located on the Pierce County Superior Court website:
<http://www.co.pierce.wa.us/xml/abtus/supct.htm>

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PART I. ADMINISTRATIVE RULES

RULE 0.1 - CITATION - SCOPE

These rules shall be cited as PCLR (Pierce County Local Rules). They ~~were have been~~ adopted for the management and operation of the Pierce County Superior Court and ~~will become~~ effective June 1, 1990, with ~~periodic~~ amendments thereafter. ~~of September 1, 1995; July 1, 1996; July 2, 1996; July 1, 1997; and September 1, 1998; September 1, 1999; May 15, 2000 on an emergency basis; and September 1, 2000; September 1, 2001; September 1, 2002; December 2, 2002 on an emergency basis; and September 1, 2003, September 4, 2004, September 24, 2004 on an emergency basis; September 1, 2005; September 1, 2006; September 1, 2007, July 1, 2008, September 1, 2008, June 1, 2009 on an emergency basis; and September 1, 2009 as noted. They supersede and take the place of all prior rules of this Court.~~

~~[Adopted effective June 1, 1990; amended effective September 1, 1995; July 1, 1996; July 2, 1996; and July 1, 1997, amended effective September 1, 1998, September 1, 1999, amended effective May 15, 2000 on an emergency basis; amended September 1, 2000; amended September 1, 2001; amended September 1, 2002; amended effective December 2, 2002 on an emergency basis; amended September 1, 2003; amended September 4, 2004; amended effective September 24, 2004 on an emergency basis; amended September 1, 2005; September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2008; amended effective June 1, 2009 on an emergency basis; amended effective September 1, 2009.] [Amended effective September 1, 2010]~~

RULE 0.2 - COURT ORGANIZATION

(a) **Departments.** The Superior Court of Pierce County is organized into ~~judicial as many~~ departments, ~~as there are judges authorized by law. The departments are~~ numbered consecutively in the order of their creation, ~~as follows:~~

Department	Created	Incumbent Judge	Date of
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			Qualification
No. 1	1889	Hon. James R. Orlando	Sept. 2000
No. 2	1891	Hon. Katherine M. Stolz	Jan. 2001
No. 3	1891	Hon. Thomas P. Larkin	Jan. 1997
No. 4	1925	Hon. Bryan Chushcoff	Jan. 1997
No. 5	1951	Hon. Vicki L. Hogan	Jan. 1993
No. 6	1953	Hon. Rosanne Buckner	Jan. 1985
No. 7	1961	Hon. Frederick W. Fleming	Jan. 1993
No. 8	1967	Hon. Brian Tollefson	Jan. 1989
No. 9	1969		
No. 10	1971	Hon. D. Gary Steiner	Nov. 1981
No. 11	1978	Hon. John A. McCarthy	Jan. 1997
No. 12	1981	Hon. Stephanie Arend	Sept. 1999
No. 13	1981	Hon. Kathryn J. Nelson	Jan. 2001
No. 14	1987	Hon. Susan Keers Serko	Jan. 2006
No. 15	1987	Hon. Thomas J. Felnagle	Jan. 1992
No. 16	1990	Hon. Lisa Worswick	July 2002
No. 17	1990	Hon. Ronald Culpepper	Feb. 2003
No. 18	1990	Hon. Beverly G. Grant	Apr. 2003
No. 19	1996	Hon. Linda CJ Lee	May 2004
No. 20	1998	Hon. Kitty-Ann van Doorninck	Oct. 1998
No. 21	2001	Hon. Frank E. Cuthbertson	Mar. 2001
No. 22	2005	Hon. John R. Hickman	Dec. 2005

(1) **Department Location.** Each judge department has a permanently assigned courtroom to the extent available. ~~All are all~~ located in the County-City Building, ~~located at~~ 930 Tacoma Avenue South, Tacoma, Washington 98402. Each judge may sit for limited periods of time in other special function courts, described below. The Court Administrator's office will provide information as to the courtroom in which a judge is currently sitting. ~~Each department has its own telephone number with direct dialing.~~

(2) **Department Hours.**

(A) **Court Business Hours.** ~~Departments are open for business Superior Court's regular hours are between~~ 8:30 a.m. ~~and~~ to 4:30 p.m.

(B) **Trials.** Parties must appear for trial at 9:00 a.m. in the assigned department on the first day of trial. ~~Generally, trials are conducted between the hours of 9:30 a.m. and 12:00 noon, and 1:30 p.m. to 4:00 p.m. daily, although the trial judge may designate a different schedule. Jury and bench trials will be set all year.~~

~~(C) — Motions and Trial Assignments. Motions and trial assignments are called on Friday mornings at 9:00 a.m. In the event a Friday is a non-judicial day, the motion and assignment calendar will be heard on the judicial day immediately preceding the Friday.~~

~~The two juvenile court judges will hold their civil motions on alternating odd/even Friday afternoons at Remann Hall. Juvenile Court Presiding Judge will hold his/her motions on odd Fridays (first, third, fifth) and Juvenile Court Deputy Presiding Judge will hold his/her motions on even Fridays (second, fourth).~~

~~If the attorneys or party pro ses any self-represented party fails to appear on the date set for assignment of a trial date, the case shall be dismissed without prejudice unless the assignment of a trial date has been previously obtained or the case has been fully resolved with the entry of all final documents.~~

(b) **Court Staff.** Each ~~departmental~~ judge employs a full-time judicial assistant/~~clerk/bailiff~~ and a court reporter. The Court, ~~as a whole,~~ employs a Court Administrator, ~~Deputy Administrator~~ and administrative staff, who perform ~~bookkeeping, accounting and secretarial~~ various support services for the judges and commissioners. The office of the Court Administrator serves as an information and message center at those times when the ~~departmental~~ judges and staff are not available ~~to receive messages.~~

(c) **Divisions of the Superior Court.**

(1) **Juvenile Court** is located at Remann Hall, 5501 Sixth Avenue, Tacoma, Washington 98406, ~~where both Judges and Commissioners rotate serving as at Juvenile Court Judges. Commissioners rotate at the discretion of the Superior Court Judges.~~

(2) **Criminal Divisions.**

(A) The specific ~~judges~~ ~~judicial officers~~ assigned and courtroom locations ~~rotate as are~~ designated by the Court Administrator's Office. ~~Criminal Divisions are located at the County City Building, except for Juvenile Drug Court which is located at Remann Hall.~~ See website for specific information.

(B) The Superior Court has three criminal division courts: Criminal Division I (CD1), Criminal Division II (CD2) and Criminal Division Presiding Judge (CDPJ). These criminal division courts hear arraignments, omnibus hearings, pleas, sentencings, revocation hearings related to criminal offenses, and other matters ~~as assigned~~ but not criminal jury trials.

(C) The Superior Court has Drug Courts. ~~which consists of a felony drug court, Methamphetamine Family Services, and Juvenile Drug Court.~~

(D) Judges ~~rotate~~ presiding over criminal trials, ~~as are~~ determined by the Presiding Judge.

(3) **Civil Divisions**

(A) The specific judges assigned and courtroom locations ~~rotate as are~~ designated by the Court Administrator's Office. ~~Civil Divisions are located at the County-City Building.~~ See website for specific information.

(B) Family Court: The Superior Court has two Family Courts: Family Court 1 (FAM1) and Family Court 2 (FAM2). Cases that are assigned to the Family Court include: Petitions to Modify Custody/ Parenting Plans/Residential Schedules, Nonparental Custody, Relocations and all Custody/Parenting Plans/Residential Schedules cases in which a Guardian ad Litem is appointed, except those cases where a Guardian ad Litem is appointed for the purpose of parentage or minority.

(C) Judges ~~rotate~~ presiding over civil trials, ~~as are~~ determined by the Presiding Judge.

(4) **Civil Mental Health Division**

Civil Mental Health Division hears matters relating to the involuntary commitment, treatment, and release of individuals alleged to be suffering from a mental disorder or alcoholism. Protocols for presentation of Less Restrictive Orders are found at the Pierce County Superior Court website:

<http://www.co.pierce.wa.us/superiorcourt> and by clicking on "Civil & Family Law" and "Protocols Less Restrictive Alternative Orders"

[Adopted effective June 1, 1990; amended effective June 1, 1994; amended effective September 1, 1995; amended effective July 2, 1996; amended effective July 1, 1997; amended effective September 1, 1999; amended effective September 1, 2000; amended effective September 1, 2001; amended effective September 1, 2002; amended effective September 1, 2003; amended September 1, 2004; amended on emergency basis effective September 24, 2004; September 1, 2005; amended September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2008; amended effective September 1, 2009.] [Amended effective September 1, 2010]

RULE 0.3 - COURT MANAGEMENT

(a) **Authority.** The authority to manage and conduct the court is vested in the Superior Court judges and shall be exercised through regular ~~or monthly~~ meetings of the judges. ~~Said Authority of the Superior Court located in the County-City Building is delegated to:~~ ~~authority is delegated to the following, as more specifically defined below:~~

- (1) A Presiding Judge
- (2) An Assistant Presiding Judge ~~elect~~
- (3) A Presiding Judge-elect
- ~~(3)~~ (4) An Executive Committee
- (5) A Court Administrator

Authority of the Juvenile Court located at Remann Hall is delegated to:

- (1) A Juvenile Court ~~Presiding Judge Executive Committee~~
- (2) A Juvenile Court Deputy Presiding Judge
- (3) A Juvenile Court Executive Committee
- (~~§ 4~~) A Juvenile Court Administrator

(b) **Duties - Responsibilities of the Judges of the Superior Court.**

- (1) Elect an Executive Committee
- (2) Establish all policies regarding judicial functions of court.
- (3) Exercise final authority over any matters pertaining to court organization and operation and over any individual, employee or committee of the Court, except departmental staff. This includes removal for cause of the Presiding Judge and commissioners.
- (4) Meet regularly once a month or at such other special meetings as may from time to time be called by the Presiding Judge or as may be voted by a majority of judges attending a regular meeting of the judges and participate in the management of the Court.
 - (A) A quorum shall consist of a majority of the judges.
 - (B) Meetings shall be conducted under The Modern Rules of Order, Second Edition where not inconsistent with these rules.

(c) **Office of Presiding Judge.**

- (1) **Duties.**
 - (A) Direct the business of the court and supervise its operation as provided in GR 29.
 - (B) Initiate court policy for presentation to the judges or to the Executive Committee.
 - (C) Act as official speaker for the court. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee as necessary, or as possible, under the circumstances.

- (D) Preside at all judges' meetings.
- (E) Chair the Executive Committee.
- (F) Call such special meetings of the judges and Executive Committee as may be required.

(2) **Selection of Presiding Judge.** The Presiding Judge shall be that member of the Executive Committee elected as Presiding Judge by a majority vote of the Judges as a whole. The Presiding Judge shall serve a two year term.

In the January of the second year of the Presiding Judge's term, at a regularly scheduled judges' meeting, an election shall occur for a Presiding Judge-elect. The Presiding Judge-elect shall be selected from the members of the Executive Committee.

If a vacancy occurs in the Presiding Judge position, and there is no Presiding Judge-elect, then an election shall occur at the next regularly scheduled judges' meeting for the election of a Presiding Judge from the members of the Executive Committee. The Presiding Judge will be elected to complete the term left in the vacant position.

(3) **Selection of Assistant Presiding Judge.** An Assistant Presiding Judge shall be elected by the Executive Committee, from the membership of the Executive Committee, at least annually in January of every year, or more frequently as needed.

(d) **Executive Committee.**

(1) **Policy Decisions.** The Executive Committee shall decide matters of policy affecting the court and make such decisions in writing by majority vote of the committee. Such actions shall be final unless modified or rejected by a majority of the judges in attendance at the next regular judges' meeting or continuation thereof.

(2) **Policy Recommendations.** The Executive Committee may make recommendations on policy matters to the judges at any meeting of the judges.

(3) **Committees.** The Executive Committee shall recommend the designation and duties of the committees of the court and nominate the members of the several committees.

(4) **Advisory Capacity.** The Executive Committee shall act in an advisory capacity to the Presiding Judge.

(5) **Procedure.** The Executive Committee shall distribute promptly to the judges written minutes of action taken by the Executive Committee. On request of

any judge, any action taken by the Executive Committee shall be subject to review for final approval or rejection at a meeting of the judges. Any matter which should be decided by the judges shall be presented to the next judges' meeting before action is taken.

(6) **Meetings.** The Executive Committee shall meet at least once a month except during the summer months. Any judge or commissioner may attend any Executive Committee meeting and participate but not vote.

(7) **Selection.** The Executive Committee shall consist of five judges. Vacancies shall be filled by election by a majority of the judges voting at the regularly scheduled December judges' meeting. Nominations shall be made in writing and delivered to the Presiding Judge one week prior to the December meeting. The judge(s) receiving the majority of votes shall be elected to the Executive Committee to serve a two-year term beginning January 1.

(8) **Unexpired Term.** If any judge serving on the Executive Committee is unable or unwilling to continue in office for any reason, the position shall be filled to serve out the balance of the term by the election process provided for in these rules. Except that a Presiding Judge-elect who succeeds to the office of the Presiding Judge during the term of another Presiding Judge shall serve the balance of that judge's term as Presiding Judge and one calendar year as Presiding Judge following that term.

~~[Adopted effective June 1, 1990, amended September 1, 2000; amended effective December 2, 2002 on an emergency basis; amended effective September 1, 2007; amended effective September 1, 2009.]~~ [Amended effective September 1, 2010]

RULE 0.4 - COMMISSIONERS

(a) **Duties.** Court commissioners shall perform duties as assigned by the court. Full-time court commissioners have all powers conferred by law, including the authority to accept pleas in criminal matters. The commissioners preside over and decide matters presented in the following divisions:

(1) **Civil Divisions A, B, C and Ex Parte.** The commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil court commissioners in divisions A, B, C and Ex Parte.

(A) **Family Court.** The commissioners hear and decide matters arising in Family Court as set forth in PCLSPR 94.04(c). All cases involving children will be assigned to a commissioner at the time of the first motion and all later motions will be heard by that assigned commissioner while on Family Court Rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

(B) **Subject Matter.** The function of these civil divisions is to hear applications for show cause orders, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Nonparental

Custody Petitions, probates, trust and guardianship matters (except for annual periodic reviews which are heard by the Superior Court Department assigned on its Friday motion docket), minor settlements, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, defaults eligible for presentation in the Ex Parte Department wherein no notice is required, supplemental proceedings, paternity actions, adoptions (**limited to the appointment of an adoption investigator**), contested show cause proceedings, domestic violence, vulnerable adult protection and sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default **self-represented party pro-se** dissolutions, and ex parte matters.

(C) **Schedule/Docketing.** The Schedule of Commissioners' Calendars for each division is contained in Appendix, Form Q and at the Pierce County Superior Court website:

<http://www.co.pierce.wa.us/superiorcourt> and by clicking on "Civil & Family Law"

The schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars. ~~Incorrectly scheduled matters shall be stricken.~~

~~Matters heard on order to show cause hearings at 9:30 a.m. shall be docketed by e-filing a Note for Commissioner's Calendar simultaneously with a Motion and/or Notice of Hearing and any supporting pleadings, unless this is a renote of a motion or notice of hearing previously filed in which event only the Note for Commissioner's Calendar shall be e-filed. The Note for Commissioner's Calendar must be filed electronically. The morning show cause cases heard shall be limited to a total sum of ten (10) show cause cases each day, per court, in the Commissioners' courts, consisting of Civil Divisions A, B and C. The limit will be adjusted according to policies adopted by the Pierce County Superior Court. Leave may be granted by a Commissioner to exceed the number of cases heard on any given day in that Commissioner's Division.~~

~~(D) **Working Copies.** For matters docketed on the morning show cause calendars in court commissioner divisions A, B, and C, and for probate, guardianship and minor settlement cases on the commissioner division A afternoon calendar, the court commissioners shall be furnished with working copies of all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents, and proposed orders for all matters docketed.~~

~~Provided further, that 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.~~

~~The working copies shall be delivered directly to Commissioner's Services Department. "Working Copies" shall be marked on the upper right corner of the first page with the date of hearing, the appropriate docket and who is delivering the copies (moving or opposing party). Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided. All working copies are to be delivered no later than the date and time they are required to be served on opposing parties, but no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to the working copies. The moving party and any party opposing a motion shall also submit a proposed order with their working copies. A fax or email transmittal of working copies shall not be acceptable delivery.~~

(2) **Juvenile Division Calendars.** The commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

(3) **Civil Mental Health Division.** Commissioners, as assigned, hear matters arising in this division as set forth in PCLR 0.2 (c) (4), except where a trial by jury is requested. Jury trials are assigned to one of the judicial departments by the Court Administrator.

(b) **Direction.** Commissioners discharge their duties under the general direction of the Presiding Judge, except when serving in the Juvenile Court Division, during which time they are under the general direction of the Presiding Juvenile Court Judge (~~JUV-CD1~~).

(c) **Rotation of Commissioner Duties.** The above duties rotate among the various commissioners in accordance with a schedule adopted by the Executive Committee. Information as to their current duty assignments can be obtained from the Court Administrator's Office. In order to expedite pending matters, a commissioner may request another commissioner to hear a matter not otherwise assigned to the latter commissioner.

~~(d) **Revision.** See PCLR 7(g) and (h).~~

~~(e) **Selection.** (Reserve)~~

~~(f) **Termination.** (Reserve)~~

~~(g) **Retirement.** (Reserve)~~

~~[Adopted effective June 1, 1990; amended effective September 1, 1995; amended effective July 2, 1996; amended effective July 1, 1997; amended effective September 1, 2000; amended effective September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2009. [Amended effective September 1, 2010]~~

RULE 0.5 - COURT ADMINISTRATOR

(a) **Selection.** The Court Administrator shall be appointed by a majority of all of the judges and shall serve at the pleasure of the appointing authority under the direction and supervision of the Presiding Judge.

(b) **Powers and Duties.** The **general** powers and duties of the Court Administrator include but are not limited to **the following:**

(1) **Administrative.** Administrative control of all non-judicial activities of the court.

(2) **Policies.** Implement all policies regarding judicial functions of the court.

(3) **Supervisory.** Supervision of all court employees, except commissioners, juvenile court employees and departmental employees.

(4) **Budgetary.** Preparation and administration of the budget.

(5) **Representative.** Representation of the court in dealings with the State Court Administrator.

(6) **Assist.** Assist the Presiding Judge in meeting with representatives of governmental bodies, and other public and private groups regarding court management matters.

(7) **Agenda Preparation.** Prepare the agenda for judges' meetings and act as recording secretary at those meetings and at committee meetings where the administrator's presence would be reasonable and productive.

(8) **Record Preparation and Maintenance.** Prepare reports and compile statistics as required by the judges or state court administration and maintain records of informal activities of the court.

(9) **Recommendations.** Make recommendations to the judges for the improvement of the administration of the court.

~~[Adopted effective June 1, 1990.]~~ [Amended effective September 1, 2010]

RULE 0.6 STANDING COMMITTEES

(a) **Establishment.** The following permanent standing committees of judges and commissioners include:

Bench Bar and Retired Judges Liaison
Civil Case Management/LINX
Civil Local Rules

Construction Committee
County Courthouse Security Committee
Family Law ~~Committee and Guardian ad Litem/Parenting Investigator~~
~~Family Law Guardian ad Litem/Parenting Investigator Grievance~~
~~Committee~~
Guardianship, Probate, Trust and Mental Illness
Personnel Committee
Pro Tem Commissioner and Judge Application and Training
Strategic Planning Committee

and the Criminal Plus Committee, the assigned responsibilities of which include:

Criminal Justice Task Force
Criminal Local Rules
Criminal Procedures
Drug Court

Any additional special committees ~~as~~ may be appointed by the Presiding Judge with approval of the Executive Committee.

(b) **Selection of Members.** Committee members shall be selected ~~by the Presiding Judge~~ in the manner provided in PCLR 0.3(d) (3).

~~[Adopted effective June 1, 1990; amended effective July 1, 1997; amended September 1, 2000; amended September 1, 2006; amended on an emergency basis effective June 1, 2009.] [Amended effective September 1, 2010]~~

RULE 0.7

LEGAL ASSISTANTS

(a) **Authorized Activity.** Those persons qualifying as a legal assistant pursuant to (b) below (1) may check out court files from the Clerk of the Court, subject to the Clerk's rules and regulations; (2) are authorized to use the Pierce County Law Library and check out materials there from, subject to the rules and regulations of said Library; and (3) may present agreed ~~or ex parte~~ orders ~~and Orders to Show Cause~~ (accompanied by the Clerk's file) to Superior Court judges and commissioners ~~respectively~~, based solely upon the record; provided the same have been signed as presented by the attorney of record for whom said legal assistant is acting.

(b) **Qualifications of Legal Assistant.** For purposes of this rule, a legal assistant is one who has been so designated by the Tacoma-Pierce County Bar Association, and who presents credentials from said association to the Pierce County Clerk, Pierce County Law Library, or Pierce County Superior Court Judge or Commissioner, provided said credentials are based upon the following criteria:

(1) Is responsible directly to a supervising attorney, **who has at least five (5) years experience and** who will be responsible under the Canons of Ethics and disciplinary rules applicable to that attorney for the performance of the legal assistant sponsored by said attorney. The sponsoring attorney shall supervise the legal assistant and shall have submitted to the Tacoma-Pierce County Bar Association certification that he or she is currently sponsoring no more than one legal assistant; and

(2) Has been currently employed six months or longer by a Pierce County law firm, or by a city, county, or state administrative agency or corporation under the direct supervision of an attorney; and

(3) Seventy-five percent of the legal assistant's work time is devoted to legal assistant (non-clerical) work, consisting of the performance of tasks under the direct supervision of a lawyer, which tasks shall not include the giving of legal advice, the quoting of legal fees, or the appearance in court in contested matters; and

(4) Has obtained a degree or certificate of completion of a legal assistant program of no less than two years duration, or has the substantially equivalent college education or work experience in the legal field which equivalency shall be determined by the Legal Assistants' Committee of the Tacoma-Pierce County Bar Association.

(c) **Presentation by Out-of-County Legal Assistants.** Notwithstanding the provisions of paragraph (b) above, legal assistants who are duly registered with a bar association in the state, other than the Tacoma-Pierce County Bar Association, may present agreed ~~or ex parte~~ orders **and Orders to Show Cause** (accompanied by the clerk's file) **to Superior Court judges and commissioners respectively**, based solely upon the documents presented and the records in the file.

~~[Adopted effective June 1, 1990.]~~[Amended effective September 1, 2010]

2. Former PCLR 3 now renumbered to PCLR 16 Pretrial and Settlement Procedures

Reason for request: To update this rule and provide that ADR is required for all cases except LUPA, RALJ, ALR and child support cases. In non family law cases at least 30 days before trial the parties shall submit a certification or declaration that they have participated in some form of ADR.

Note: This rule was submitted to the TPCBA on February 1, 2010 for comment. The only change is renumbering to be consistent with the State Civil Rules.

PCLR 3 16- PRETRIAL AND SETTLEMENT PROCEDURES

(a) **Designated Judge.** Except in the case of dissolutions or unless otherwise provided for herein the judge to whom the case is assigned at the time of filing shall hear all pretrial matters.

(b) **Pretrial Procedure.**

(1) **Pretrial Conferences.** The lead trial attorney of each party represented by an attorney or each ~~party pro-se~~ **self-represented party** shall attend the pretrial conference. The conference shall include those matters set forth in CR 16 as well as any other matters that might result in a speedy, just and economical resolution of the case.

(2) **Exchange of Exhibit and Witness Lists.** In cases governed by a Case Schedule pursuant to PCLR 1, the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits except those to be used only for illustrative purposes, and except for those items agreed to by counsel, such as identical copies of items already produced to avoid unnecessary duplication. Counsel are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than fourteen (14) days before trial. Any witness or exhibit not listed may not be used at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(3) **Pretrial Motions.** All such motions shall be served, filed and heard pursuant to PCLR 7; provided that no pretrial dispositive motions shall be heard after the cutoff date provided in the Case Schedule except by order of the court and for good cause shown.

(4) **Joint Statement of Evidence.** In cases governed by a Case Schedule pursuant to PCLR 1 the parties shall file a Joint Statement of Evidence, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility.

~~(e) — Settlement Conferences.~~ **Alternative Dispute Resolution**

Some form of alternative Dispute Resolution is required in all cases prior to trial.

(1) **Non-Family Law Cases.**

At least 30 days prior to trial the parties shall each submit a certification or declaration that they have participated in one or more types of Alternative Dispute Resolution (ADR), including, but not limited to: formal negotiations that included an exchange of written proposals, arbitration or mediation.

(2) **Family Law Cases.**

Judges and Commissioners shall make themselves available for settlement conferences in family law cases. The attorney or self-represented party may utilize an alternative dispute resolution process to satisfy the settlement conference requirement per his/her calendar availability.

(A) **Scheduling and Submission of Materials.** A settlement conference judge or commissioner shall be assigned randomly by the LINX computer program at the time the family law case is filed. The parties shall conduct any settlement conference no later than the date set forth in the Case Schedule.

The assigned settlement conference judge's judicial assistant or CSD for the Commissioners shall schedule the exact date and time of the settlement conference. The attorney or self-represented shall prepare a pretrial information form and submit the same to the settlement judge or commissioner and opposing counsel or opposing self-represented not later than two (2) court days prior to the conference. See Appendix, Form E. A fax or email transmittal of working copies shall not be acceptable delivery. This form may be supplemented.

(B) **Attendance.** Parties shall attend the settlement conference. Attendance may be excused, in advance, by the settlement judicial officer for good cause. Failure to attend may result in the imposition of terms and sanctions as the judicial officer deems appropriate.

(C) **Proceedings Privileged.** Proceedings of said settlement conferences shall, in all respects, be privileged and not reported or recorded. Without disclosing any communications made at the settlement conference, the settlement conference judge or commissioner may advise the court in writing as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial.

(D) **Settlement of Case.** When a settlement has been reached the settlement agreement or partial agreement shall be placed on the record or reduced to writing.

(E) **Disqualification.** A judge or commissioner presiding over a settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties agree in writing.

(F) **Withdrawal of Attorney.** If any attorney withdraws and a settlement conference has been scheduled or is required to be scheduled by the existing

case schedule, the withdrawing attorney shall inform his/her client of the date, time and location of the settlement conference, as well as a brief explanation of the process, including how to schedule a settlement conference and expectations.

(3) **Cases Exempt from Alternative Dispute Resolution.**

The following cases are exempt from participating in an alternative dispute resolution process: LUPA, RALJ, ALR and child support cases.

~~(1) **Settlement Conferences in Family Law Cases.** A settlement conference judge or commissioner shall be assigned randomly by the LINX computer program at the time the case is filed. The parties shall conduct any settlement conference no later than the date set forth in the Case Schedule. If the settlement conference judge or commissioner assigned by LINX is unable to accommodate the settlement conference, the attorney or party pro se shall utilize an alternative dispute resolution process to satisfy the settlement conference requirement. The assigned settlement conference judge's judicial assistant or Commissioner shall schedule the exact date and time of the settlement conference per his/her calendar availability. The attorney or party pro se shall prepare a pretrial information form and submit the same to the settlement judge or commissioner and opposing counsel not later than two (2) court days prior to the conference. See Appendix, Form E. This form may be supplemented. A fax or email transmittal of working copies shall not be acceptable delivery. The attorney or party pro se may opt out of the settlement conference requirement by written agreement that there need not be a settlement conference. The requirement to participate in a settlement conference is waived only if the trial judge agrees in writing.~~

~~(2) **Settlement Conferences in All Other Cases.** The assigned judge may, on proper notice, motion and hearing order a settlement.~~

~~(3) **Alternative Dispute Resolution.** The attorney or party pro se may utilize an alternative dispute resolution process to satisfy the settlement conference requirement per his/her calendar availability.~~

~~(4) **Requirements.**~~

~~(A) **Attendance and Preparation Required.** The lead attorney of each party's case shall personally attend all settlement conferences and shall be prepared to discuss all issues in detail and in good faith. The attorney shall prepare an outline of the facts, issues and the party's position on settlement in written form and submit the same to the settlement judge or commissioner and opposing counsel or party pro se not later than two (2) court days prior to the conference. See Appendix, Form E. A fax or email transmittal of working copies shall not be acceptable delivery.~~

~~(B) **Failure to Comply.** Failure to comply will result in the imposition of terms and sanctions as the judicial officer may deem appropriate, unless just cause is shown for the failure to abide by this rule.~~

~~(5) **Parties to Be Available.**~~

~~_____ (A) **Presence in Person.** The parties shall be available and the judicial officer conducting the conference shall decide whether the parties shall be present in the room.~~

~~_____ (B) **Court May Excuse Attendance.** Attendance at a settlement conference of a party may be excused where by reason of health, absence from the county, or other good and sufficient reason compelling his or her personal attendance would be unduly burdensome.~~

~~_____ (6) **Failure to Attend.** Failure to attend the settlement conference in accordance with the paragraphs above will result in the imposition of terms and sanctions as the judicial officer may deem appropriate, unless just cause is shown for the failure to abide by this rule.~~

~~_____ (7) **Proceedings Privileged.** Proceedings of said settlement conference shall, in all respects, be privileged and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the settlement agreement, or partial agreement, shall be placed on the record or reduced to writing.~~

~~_____ (8) **Continuances.** Continuances of settlement conferences may be authorized only by the settlement conference judicial officer on timely application.~~

~~_____ (9) **Pretrial Power of Court.** If the case is not settled at a settlement conference, the judicial officer may nevertheless make such orders as are appropriate.~~

~~_____ (A) In family law proceedings, this power includes but is not limited to requiring the attorney's preparation of the Joint Statement of Evidence as set out in PCLR 3(b)(4), appointment of a parenting investigator (as long as it is in compliance with PCLSPR 94.04 (e) (1)), and the appointment of an expert to advise the court as to certain facts and circumstances relating to the welfare of dependent children, properties of the parties, and the physical and mental condition of the parties. In no instance shall the trial date be changed without the approval of the trial department.~~

~~_____ (B) Without disclosing any communications made at the settlement conference, the settlement conference judge or commissioner may advise the court in writing as to his or her views as to whether the use of further or alternative dispute resolution procedures, or the appointment of additional investigators or the development of additional evidence would be advisable prior to trial. Copies of any such writing shall be provided to the parties and attorneys.~~

~~_____ (10) **Judge or Commissioner Disqualified for Trial.** A judge or commissioner presiding over a settlement conference shall be disqualified from acting as the trial judge in that matter, unless all parties agree in writing that he or she should so act.~~

[Adopted effective July 1, 1996; amended effective July 2, 1996; amended effective September 1, 1998; amended effective September 1, 1999; amended effective September 1, 2001; amended effective September 1, 2002; amended effective January 1, 2007; amended effective September 1, 2009.][Amended effective September 1, 2010]

3. PCLR 2, now renumbered to PCLR 5 Service

Reason for request: To make the numbering consistent with the state civil rules and to clean up superfluous language.

PCLR 2 5 - ~~CONFIRMATION OF SERVICE~~

(a) **Scope.** This rule shall apply to all cases governed by a Case Schedule pursuant to PCLR 1.

(b) **Confirmation of Service Generally.** No later than the date designated in the Case Schedule, the plaintiff/petitioner shall file the "Confirmation of Service". The original of the Confirmation of Service shall be filed with the Pierce County Clerk, with a copy delivered to the department to which the case is assigned. ~~(e) Form.~~ The Confirmation of Service shall contain the case heading, cause number and shall otherwise be as set forth in Appendix, Form D.

[Amended effective September 1, 2010]

4. PCLR 4, now renumbered to PCLR 19 Joinder

Reason for request: To make the numbering consistent with the state civil rules and to clean up superfluous language.

PCLR 19 ~~PCLR 4 - CONFIRMATION OF JOINDER AND STATUS CONFERENCE~~

(a) **Scope.** This rule shall apply to all cases governed by a Case Schedule pursuant to PCLR 1.

(b) **Additional Parties, Claims, and Defenses.** No additional parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Case Schedule for Confirmation of Joinder of Additional Parties, Claims and Defenses, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(c) **Confirmation of Joinder; Form.** No later than the designated deadline for joining additional parties and raising additional claims and defenses, as described in section (b) above, the plaintiff shall, after conferring with all other attorneys or ~~parties pro se~~ any self-represented party pursuant to paragraph (d) of this rule, file with the Pierce County Clerk and with the assigned department, and serve by mail upon the opposing counsel or ~~parties pro se~~ any self-represented party, a report entitled

"Confirmation of Joinder of Parties, Claims, and Defenses," which will contain the case heading and otherwise be as set forth in Appendix, Form F.

(d) **Parties to Confer in Completing Form.** The plaintiff shall confer with all other parties in completing the form. This may be in person or by telephone but requires actual contact with the attorney of record or ~~party pro se~~ self-represented party.

~~(e) **Status Conference.** All parties must attend a status conference if one is ordered by the assigned trial court judge. The parties must contact the assigned trial department for exact status conference requirements including any status conference dates designated by that department.~~

(e) ~~(f)~~ **Cases Subject to Mandatory Arbitration.** If a statement of arbitrability pursuant to PCLMAR 2.1 is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims and Defenses, the Confirmation of Joinder need not be filed and no status conference will be held.

[Adopted effective July 1, 1996; amended effective July 2, 1996; amended effective September 1, 1998; amended effective September 1, 2006; amended effective September 1, 2009].-[Amended effective September 1, 2010]

5. PCLR 5, renumbered to PLCR 26 Discovery-Disclosure of Possible Lay and Expert Witnesses

Reason for request: To make the numbering consistent with the state civil rules.

~~PCLR 26 PCLR-5 DISCOVERY-~~ DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES

(a) **Scope.** This rule shall apply to all cases governed by a Case Schedule pursuant to PCLR 1.

(b) **Disclosure of Primary Witnesses.** Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(c) **Disclosure of Rebuttal Witnesses.** Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(d) **Scope of Disclosure.** Disclosure of witnesses under this rule shall include the following information:

- (1) **All Witnesses.** Name, address and phone number.
- (2) **Lay Witnesses.** A brief description of the witness's relevant knowledge.

(3) **Experts.** A summary of the expert's anticipated opinions and the basis therefore and a brief description of the expert's qualifications or a copy of curriculum vitae if available. For the purposes of this rule, treating physicians shall be considered expert as well as fact witnesses.

(e) **Exclusion of Testimony.** Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires.

(f) **Discovery Not Limited/Additional Witness Identified.** This rule does not modify a party's responsibility to timely supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule or by other civil rules.

~~[Adopted effective July 1, 1996]. [Amended effective September 1, 2010]~~

6. PCLR 7 Motions

Reason for request: To place all the information about motions before judges and commissioners in one rule. Much of this language was taken from PCLR 0.2 and PCLR 0.4

PCLR 7 – MOTIONS - JUDGES AND COMMISSIONERS

(a) **Judges' Motions and Trial Assignments**

(1) **When and How Heard** ~~–General Policy. Except for motions in dissolution, paternity, non-parental custody actions, all modifications of residential schedules/parenting plans or post-dissolution modifications under PCLR 7(f), or unless otherwise directed with reference to a specific matter by the judge to whom such matter has been assigned, a~~ All motions, except motions during trial or those motions heard by the commissioners as set forth below, shall be heard on the judicial department's departmental assignment and motion calendar. ~~s in each respective trial department. The judge hearing such matters shall determine the order in which they shall be heard. All discovery motions shall be heard before the assigned judicial department.~~ No contested summary judgment motions, motions to dismiss, or other such motions which might effectively terminate a case ~~will~~ shall be heard, except by the assigned judicial department, unless otherwise directed by the presiding judge or by the assigned judicial department.

Motions are heard on Friday mornings at 9:00 a.m., ~~unless specially set by the assigned judicial department.~~ In the event a Friday is a non-judicial day, the motion shall be heard on the judicial day immediately preceding the Friday.

(2) ~~(1)~~ **Recess Schedule.** Motions and assignments regularly scheduled for a time when a **judicial** department is at recess shall be heard in the manner and in accordance with the schedule determined by the Judges.

(3) ~~(2)~~ **Noting Scheduling Motions and Trial Assignments.**

(A) **Motions.** Motions ~~may~~ shall be ~~noted~~ scheduled for hearing only by ~~service and~~ filing of a “Note for Motion Docket” ~~note of issue~~, in a form approved by the court, and containing all information ~~required~~ ~~called for~~ by such form. ~~Motions are heard on Friday mornings at 9:00 a.m. In the event a Friday is a non-judicial day, the motion shall be heard on the judicial day immediately preceding the Friday.~~

The “Note for Motion Docket” shall be filed with the Motion and supporting documents and served upon the opposing party at the same time.

~~Such note~~ The “Note for Motion Docket”, motion and supporting documents ~~must~~ shall be filed with the clerk, and served on the opposing party not later than the close of business on the sixth court day before the day set for hearing. For example, if the motion is ~~noted~~ scheduled for a Friday, it ~~must~~ shall be filed by the close of business on the Thursday of the week before the hearing date unless there is an intervening court holiday. ~~;~~ ~~Provided, that~~ This rule shall not relieve the moving party from any greater notice or filing requirements established by law or court rule.

See also PCLSPR 98.20 regarding periodic guardianship hearings.

(B) **Trial Assignments.** If the attorneys or any self-represented party fails to appear on the date set for assignment of a trial date, the case shall be dismissed without prejudice unless the assignment of a trial date has been previously obtained or the case has been fully resolved with the entry of all final documents.

(4) ~~(3)~~ **Failure to File or Serve - Sanctions.** If the motion, supporting documents and “Note for Motion Docket” are not all filed with the Clerk, ~~if a motion is noted scheduled, but not filed with the Clerk,~~ the court may strike the motion. ~~the same from the calendar, or may deny it for want of proper prosecution.~~ No motion ~~will~~ shall be heard unless ~~there is on file~~ proof of service ~~of sufficient notice of the hearing~~ upon the opposing party ~~is filed~~ or there is an admission of such service by the opposing party. The court may also, in its discretion, impose terms upon the offending party.

~~(4) — Filing Motions. The moving party shall serve and file all motion papers no later than six court days before the date the party notes scheduled the motion.~~

(5) **Opposing Papers.** Any party opposing a motion shall file and serve responsive papers in opposition to a motion not later than noon, two court days before the date the motion is ~~noted~~ scheduled for hearing.

(6) **Reply.** Any papers in strict reply shall be served and filed no later than 12:00 noon the day before the hearing.

(7) **Working copies.** The ~~Court~~ assigned judicial department shall be furnished with a working copy of all motion papers. The working copies shall be delivered either directly to the judicial department or to the office of the Court Administrator. Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided to the assigned judicial department judge. All working copies are to be delivered no later than the date and time they are required to be served on opposing parties. The working copies of papers in support or opposition shall be marked on the upper right corner of the first page with the date of hearing and the name of the judge. A fax or email transmittal of working copies shall not be acceptable delivery.

~~See PCLR 0.4 (a) (1) (D) and PCLSPR 94.04 (e) for working copy requirements for hearings before court commissioners.~~

(8) **Confirmation of Motions.** All motions ~~must~~ shall be confirmed by ~~counsel for~~ the moving party during the week of the hearing, but not later than 12:00 noon two court days prior to the hearing. ~~Failure to confirm will shall result in the striking of the motion from the calendar.~~ Counsel Attorneys and any self-represented party shall confirm motions by contacting the judicial assistant of the assigned judicial department ~~or to which the motion is assigned. Motions may also be confirmed and stricken~~ electronically, through the internet ~~in accordance with the pursuant to time deadlines set forth herein;~~ by those with LINX accounts and PIN (Personal Identification Numbers), in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by those persons physically confined under a court order shall be deemed confirmed at filing. ~~The court may strike motions that are not timely confirmed.~~

(9) ~~(b)~~ **Procedures for Hearing.** The cases on the motion docket for each motion day ~~will~~ shall be called and oral argument ~~shall~~ may be presented. ~~The moving party, if no one appears in opposition, may take the order moved for, unless the court shall deem it unauthorized.~~ Motions may be continued by the court, at the court's discretion, for hearing at other specified times. The trial court may, in its discretion or for good cause shown, waive oral argument for civil motions. Motions requiring more than ten (10) minutes for argument ~~may~~ shall be placed at the end of the calendar ~~unless the court otherwise directs.~~

(10) ~~(c)~~ **Motions for Summary Judgment ~~Additional Rules,~~**

(A) ~~(4)~~ **Confirmation of Motion.** In the event a motion for summary judgment pursuant to CR 56 is to be argued, the moving party shall notify the department to which such motion is assigned during the week of the hearing, but not later than 12:00 noon, two (2) court days prior to the hearing; otherwise the motion shall be stricken. No hearing upon a motion for summary judgment shall be continued except upon the explicit order of the judge to which such motion is assigned. Any summary judgment motion that is continued shall be reconfirmed as set forth above.

~~(B) (2) **Testimony.** If testimony transcribed at any pretrial deposition is used in support of or in opposition to a motion for summary judgment, such testimony shall be presented by affidavit containing excerpts of the testimony relied upon by the party using such testimony, with reference to line and page of source.~~

~~-See PCLR 56.~~

~~(d) — **Frivolous Motions.** If the Court concludes that a motion or a defense thereof is frivolous, terms may be imposed by the Court.~~

~~(11)(e) **Contested Pretrial Motions.** Contested pretrial motions, however designated, the purpose of which is to expand or restrict the issues or limit the introduction of evidence (motion in limine), and motions for judgment on the pleadings should be presented for resolution on a regular motion calendar before the day assigned for trial, unless otherwise authorized by the trial court. The Failure to comply with this rule may result in the court's refusal to hear such motion on the day of trial, or in the imposition of terms, both to the adverse party or parties and to Pierce County for the expense caused by resulting delays.~~

~~(f) — **Family Law Motions – Petition to Modify.** All family law motions, orders to show cause and petitions to modify domestic relations orders or decrees shall be presented in the first instance to a commissioner in accordance with PCLSPR 94.04(e).~~

~~(11)(g) **Motions for Revision.**~~

~~(A)(1) **Revision by Motion. Timing.** Within 10 days of the entry of a written order or judgment by a court commissioner, either party may file a motion for revision. Such motion shall be ~~noted~~ **scheduled** for argument on the assigned **judicial** department's next available motion date but no sooner than six working days of the commissioner's written order or judgment sought to be revised, unless upon an order shortening time, and no later than 30 days except for good cause shown. Failure to ~~note~~ **schedule the motion** within the time prescribed ~~will~~ **shall** be deemed jurisdictional.~~

~~(B)(2) **Validity of Commissioner's Orders.** All orders granted by a court commissioner shall remain valid and in effect pending the outcome of the motion for revision, unless stayed pending the outcome of a motion for revision by the court commissioner granting the order, the Presiding Judge or the judge to whom the motion for revision has been assigned.~~

~~(C)(3) **Content of Motion.** All motions and cross-motions shall state with specificity any portion of the commissioner's order or judgment sought to be revised, identifying those portions by paragraph or page and line numbers. Any portion not so specified shall be binding as if no revision motion has been made.~~

~~(D)(4)~~ **Costs and Fees.** The ~~trial court reserves~~ judicial department has the right to award reasonable costs or attorneys fees where allowed on all motions for revision without the necessity of a written motion.

~~(E)(5)~~ **Transcript Required.** When seeking revision of a ruling of ~~the~~ a court commissioner which was based upon testimony, such testimony ~~must~~ shall be transcribed in accordance with RAP 9.2 (e) and (f).

~~(12) (H)~~ **Juvenile Court Orders and Judgments.** Revision of orders and judgments made by a court commissioner sitting in the Juvenile Court Division shall be heard by a judge sitting in the Juvenile Court Division.

(b) Commissioners' Motions

(1) **Civil Divisions A, B, C and Ex Parte.** The commissioners hear and decide all matters brought before these divisions as set forth below. There are four civil court commissioners in divisions A, B, C and Ex Parte. In order to expedite pending matters, a commissioner may request another commissioner to hear a matter not otherwise assigned to the latter commissioner.

(A) **Family Court.** The commissioners hear and decide matters arising in Family Court as set forth in PCLSPR 94.04(c). All cases involving children will be assigned to a commissioner at the time of the first motion and all later motions will be heard by that assigned commissioner while on Family Court Rotation, unless exclusive jurisdiction is retained by a specific judicial officer.

(B) **Subject Matter.** The function of these civil divisions is to hear applications for show cause orders, motions for temporary orders, petitions to modify child support, initial determination of adequate cause on Petitions to Modify Parenting Plans and Nonparental Custody Petitions, probates, trust and guardianship matters (except for annual periodic reviews which are heard by the Superior Court Department assigned on its Friday motion docket), minor settlements, unlawful detainer actions, applications for appointment of a receiver, injunctive relief and restraining orders, defaults eligible for presentation in the Ex Parte Department wherein no notice is required, supplemental proceedings, paternity actions, adoptions (limited to the appointment of an adoption investigator), contested show cause proceedings, domestic violence, vulnerable adult protection and sexual assault protection hearings, uncontested/default dissolutions, committed intimate relationships (meretricious relationships), domestic partnerships, and uncontested/default self-represented party dissolutions, and ex parte matters.

(C) **Schedule.** The Schedule of Commissioners' Calendars for each division is contained in Appendix, Form Q and at the Pierce County Superior Court website:

<http://www.co.pierce.wa.us/superiorcourt> and by clicking on "Civil & Family Law"

The schedule of the Commissioners' Calendars may be changed without formal republication of these rules or appendices. Parties and counsel are advised to verify calendar schedules before noting matters for hearing and by viewing the Pierce County Superior Court website for any revisions to the Commissioners' Calendars. Incorrectly scheduled matters shall be stricken.

(D) **How Motions Initiated.** The Note for Commissioner's Calendar shall be filed electronically for all the commissioner's dockets held at the County-City Building, 930 Tacoma Avenue South, except for the self represented dissolution docket, domestic violence, vulnerable adult protection orders and sexual assault protection orders. See also PCLSPR 94.04 regarding family law motions, PXLSPR 98.04 regarding Estates and Probates, PCLSPR 98.16W concerning Settlements of Minors and Incapacitated Persons, PCLSPR 98.18 regarding Court Created Trusts and PCLSPR 98.20 concerning Guardianships for specific procedures about these types of motions on the commissioners' dockets.

(i) **Docketing for Morning Show Cause Calendars.** Matters heard on order to show cause hearings at 9:30 a.m. shall be docketed by e-filing a Note for Commissioner's Calendar at least fourteen (14) calendar days before the hearing, simultaneously with a Motion and/or Notice of Hearing and any supporting pleadings, unless this is a renote of a motion or notice of hearing previously filed in which event only the Note for Commissioner's Calendar shall be e-filed. The morning show cause cases heard shall be limited. Leave may be granted by a duly appointed Commissioner, not a Commissioner Pro Tem, to exceed the number of cases heard on any given day in that Commissioner's Division.

(ii) **Counter Motions For Morning Show Cause Calendars.** In the event there is an existing motion and the responding party wishes to file a counter motion they may do so without leave of the court by e-filing a Note for Commissioner's Calendar, as long as the motion is filed and served a minimum of fourteen (14) calendar days before the hearing. Any necessary Order to Show Cause shall also be signed by a Commissioner.

(E) **Working Copies.** For matters docketed on the morning show cause calendars in court commissioner divisions A, B, and C whether by note for commissioner's calendar or by the case schedule, and for probate, guardianship and minor settlement cases on the commissioner division A afternoon calendar, the court commissioners shall be furnished with working copies of all motions, or petitions, and supporting documents, including affidavits, declarations, certified statements, Guardian ad litem reports, responsive and reply documents, and proposed orders.

Provided further, that 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.

The working copies shall be delivered directly to Commissioner's Services Department. "Working Copies" shall be marked on the upper right corner of the first page with the date of hearing, the appropriate docket and who is delivering the copies (moving or opposing party). Anyone e-filing motion papers shall be responsible for ensuring working copies are timely provided. All working copies are to be delivered no later than 12:00 noon two (2) court days prior to the hearing. A copy of the Note for Commissioner's Calendar shall be attached to the working copies. The moving party and any party opposing a motion shall also submit a proposed order with their working copies. A fax or email transmittal of working copies shall not be acceptable delivery.

(2) **Juvenile Division Calendars.** The commissioners hear and decide matters arising under the juvenile laws and other matters at the request of the Presiding Juvenile Court Judge, including finalization of adoptions.

(3) **Civil Mental Health Division.** Commissioners, as assigned, hear matters arising in this division as set forth in PCLR 0.2 (c) (4), except where a trial by jury is requested. Jury trials are assigned to one of the judicial departments by the Court Administrator.

(c) **Motions held before Judges or Commissioners**

(1) ~~(1)~~ **Motions for Reconsideration.** A Motion for Reconsideration shall be heard by the judge or commissioner who initially ruled on the motion ~~or to the presiding judge or his/her designee upon a showing of good cause. except for good cause shown to the Presiding Judge or his or her designee.~~ Temporary assignment of the judge or commissioner to a ~~some~~ location other than the courthouse shall not be considered good cause.

(2) ~~(1)~~ **Motion and Order to Shorten Time.**

(i) ~~(1)~~ **Motions to Shorten Time.** All Motions to Shorten Time ~~must shall~~ be in writing and supported by declaration or affidavit that (a) states the reasons why the matter ~~must should~~ be heard on shortened time and (b) sets forth the manner and method by which notice, or attempted notice, was provided to all other parties regarding presentation of the Motion to Shorten Time. If the moving party has been unable to notify all parties of the Motion to Shorten Time, it is within the judicial officer's discretion to proceed with the Motion to Shorten Time. The court file ~~must shall~~ be presented along with the Motion to Shorten Time, declaration or affidavit, and the proposed Order ~~to the assigned Judge or Ex Parte Commissioner considering the request.~~

(ii) ~~(2)~~ **Judicial Department Motions.** If the underlying motion is to be heard by a Judge, the Motion to Shorten Time ~~and the underlying motion should shall~~ be presented to the assigned judicial department. If the assigned ~~judicial~~ department

is not available to consider the Motion to Shorten Time, the matter may be presented to the Presiding Judge for consideration. If the Presiding Judge is not available, the moving party ~~should~~ shall contact Superior Court Administration for additional information as to which judge can hear the Motion to Shorten Time.

(iii) ~~(3)~~ **Commissioner Motions.** If the underlying motion is to be heard by a Court Commissioner, the Motion to Shorten Time **and the underlying motion** ~~should~~ shall be presented to the Ex Parte Division. The Motion to Shorten Time ~~should~~ shall be heard by a regularly appointed Court Commissioner and not a Commissioner Pro Tempore. If granted, a copy of the Order Shortening Time and Note for Commissioner Docket ~~must~~ shall be given to the Commissioner Services Department.

(iv) ~~(4)~~ **Notice.** The party requesting the Order to Shorten Time ~~must~~ shall notify all opposing parties of the Motion to Shorten Time and the time and location of its presentation. Any party opposing the Motion to Shorten Time ~~must~~ shall appear or respond by declaration or affidavit setting forth the basis of the opposition. Failure to appear or respond to the Motion to Shorten Time does not preclude a party from requesting terms.

(v) ~~(5)~~ **Service.** If the Motion to Shorten Time is approved by the appropriate judicial officer, the party shall provide a copy of the pleadings relating to the Motion to Shorten Time as well as to the underlying motion, to all parties as soon as possible or as otherwise directed by the Court.

(3) **Reapplication.** No party shall remake the same motion to a different judicial officer without showing by affidavit, what motion was previously made, when and to which judicial officer, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another judicial officer.

(4) **Temporary Restraining Orders and Injunctive Relief.** See PCLR 65.

[Adopted effective June 1, 1990; amended effective September 1, 1992; amended effective July 2, 1996; amended effective July 1, 1997; amended effective September 1, 1998; amended effective September 1, 1999; amended effective September 1, 2001; amended effective September 1, 2002; amended effective September 1, 2003; amended September 1, 2004; amended September 1, 2005; amended effective September 1, 2006; amended effective September 1, 2007; amended effective September 1, 2009-[Amended effective September 1, 2010]