

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SNOHOMISH COUNTY

JUDGES
 ANITA L. FARRIS
 DAVID A. KURTZ
 BRUCE I. WEISS
 GEORGE F.B. APPEL
 JOSEPH P. WILSON
 RICHARD T. OKRENT
 JANICE E. ELLIS
 MARYBETH DINGLEDY
 MILLIE M. JUDGE
 CINDY A. LARSEN
 JENNIFER R. LANGBEHN
 PAUL W. THOMPSON
 ANNA G. ALEXANDER
 EDIRIN O. OKOLOKO
 CASSANDRA LOPEZ-SHAW

SNOHOMISH COUNTY COURTHOUSE
 M/S #502
 3000 Rockefeller Avenue
 Everett, WA 98201-4060
 (425) 388-3421

PRESIDING JUDGE
 BRUCE I. WEISS

COURT COMMISSIONERS
 TRACY G. WAGGONER
 PATRICK M. MORIARTY
 SUSAN E. HARNES
 PATRICIA J. NELSON
 LISA M. MICHELI

SUPERIOR COURT ADMINISTRATOR
 ANDREW SOMERS

Pursuant to GR 7, the Snohomish County Superior Court submits the following rules for comment:

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All comments shall be in writing and may be mailed or delivered to Court Administration at 3000 Rockefeller Avenue, M/S 502, Everett, Washington, 98201. Comments may also be submitted electronically at: <https://www.snohomishcountywa.gov/5819/Proposed-Local-Court-Rules>.

All received comments will be placed on the Court’s website. The comment period ends at 11:59 p.m. on June 13, 2021. All comments, regardless of submission method, must be received by the conclusion of the comment period.

PART 1. ADMINISTRATIVE RULES (SCLAR)

SCLAR 0.02 ORGANIZATION OF THE COURT

(g) Preassignments. Cases involving complex issues of fact or law, or in which substantial pretrial proceedings are anticipated, may be preassigned by the Presiding Judge or designee to a trial department at any time for pretrial proceedings and/or for trial. A preassignment may be made on motion of one or more parties to be decided without oral argument (unless requested by the court) or on motion of the court. If a jury trial is anticipated to last two or more weeks, including voir dire and motions in limine, the parties or counsel must move for preassignment. Confirmation of a motion for preassignment is not required.

PART II. GENERAL RULES (SCLGR)

SCLGR 19 REMOTE PROCEEDINGS (New Rule)

Consistent with standards that may be promulgated by the Office of the Administrator of the Courts, the Superior Court will maintain video conferencing and remote proceeding abilities for use where specified by these rules, ordered by the Court, or as necessary for the administration of justice. Parties and counsel shall be permitted to request appearance remotely in any proceeding whether or not these rules specifically address the ability to appear remotely.

PART III. CIVIL RULES (SCLCR)

SCLCR 7(b)(2)(d)(9) CONFIRMATION PROCESS

(a) Manner of Confirming. Unless these rules indicate that confirmation of a particular motion is not required, In order that a motion, or an order to show cause, or matter be argued or ruled upon, a party pro se or attorney for the moving party must confirm before 12 noon two (2) court days prior to the hearing; provided however, motions for summary judgment heard on the judges 9:30 a.m. civil motions calendar must be

confirmed before 12 noon three (3) court days prior to the hearing; otherwise, the matter will be stricken. Only by stipulation of the parties and agreement of the court may an unconfirmed matter be heard. Confirmations shall be made electronically, in a format approved by the court, or by telephone. The case name, cause number, date and time of the motion, title or type of motion, calendar on which the motion appears, the name and telephone number of the person confirming, and e-mail address of the person confirming when confirmation is accomplished electronically, is information which must be provided to the person or recording taking the confirmation.

SCLCR 7(b)(2)(d)(10) TIME AND PLACE OF HEARINGS

(a) Times, days, and locations of various motions shall be as set forth in the Snohomish County Superior Court administrative order entitled Times, Days, and Location of Various motions. A summary of common civil motions is set forth in Table A, below. The most common and current calendars can be found here: <https://snohomishcountywa.gov/1338/Calendars-and-Schedules>.

TABLE A

SUPERIOR COURT COMMISSIONER DEPARTMENTS

1st Floor of Courthouse

Parties and attorneys who note motions for an improper location, day, or time may expect that the hearing will be stricken in the discretion of the judicial officer hearing the matter. Before noting a hearing, this table, the Snohomish County Superior Court Administrative Order entitled Times, Days, and Location of Various motions, <https://snohomishcountywa.gov/1354/Administrative-Orders>, and the Commissioner Calendar <https://snohomishcountywa.gov/1338/Calendars-and-Schedules> should be consulted.

<u>Type of Motion</u>	<u>Where Heard (Calendar)</u>
<u>Family Law Domestic Motion*</u>	<u>Family Law Domestic Motions</u>
<u>Child Support Modification Motions/Final Orders</u>	<u>Family Law Domestic Motions</u>
<u>Motions to Waive, Compel or Reallocate the Cost of ADR before the first ADR Compliance Hearing</u>	<u>Family Law Domestic Motions</u>
<u>Motions for Summary Judgment to Establish Parentage</u>	<u>Family Law Domestic Motions</u>
<u>Minor Guardianship Motions and Hearings</u>	<u>Minor Guardianship Calendar</u>
<u>Motions to Establish Parentage (State initiated)</u>	<u>State Paternity</u>
<u>Motions for Default/to Vacate Default</u>	<u>Commissioner Civil Motions</u>
<u>Discovery Motions and Enforcement thereof</u>	<u>Commissioner Civil Motions</u>
<u>Supplemental Proceedings</u>	<u>Commissioner Civil Motions</u>
<u>Motions to Dismiss – CR 41(a)(1) (voluntary dismissal)</u>	<u>Commissioner Civil Motions</u>

Motions to Change Venue	Commissioner Civil Motions
Unlawful Detainer/Eviction Motions/Writs of Restitution	Commissioner Civil Motions
Motions to Disburse Bail (Civil Only)/Disburse Unlawful Detainer	Commissioner Civil Motions
Receiver Actions	Commissioner Civil Motions
Motions to Amend Pleadings	Commissioner Civil Motions
Motions for Inactive Status	Commissioner Civil Motions
Motions to Disqualify Counsel	Commissioner Civil Motions
Motions to Withdraw	Commissioner Civil Motions
Motions for Restoration of Rights to Possess Firearms	Commissioner Civil Motions
Probate Motions (non-TEDRA)	Guardianship/Probate
Petition for Extreme Risk Protection Order – Initial Hearing	Commissioner Ex Parte
Petition for Vulnerable Adult Protection Order – Initial Hearing	Commissioner Ex Parte
Petition for Sexual Assault Protection Order – Initial Hearing	Commissioner Ex Parte
Writ of Habeas Corpus re. Child Custody – Initial Hearing	Commissioner Ex Parte
Motion for Reconsideration	Commissioner who signed the Order to be reconsidered

***Any motion in a family law domestic motions matter that is not otherwise designated in this table (e.g., discovery motions, CR 41(a)(1), etc.) shall be noted on the Family Law Domestic Motions Calendar.**

SUPERIOR COURT JUDICIAL CALENDARS

Assigned to Courtrooms – Snohomish County Courthouse

Parties and attorneys who note motions for an improper location, day, or time may expect that the hearing will be stricken in the discretion of the judicial officer hearing the matter. Before noting a hearing, this table and the Snohomish County Superior Court administrative order entitled Times, Days, and Location of Various motions, <https://snohomishcountywa.gov/1354/Administrative-Orders>, should be consulted.

The Judge’s Civil Motions calendar rotates among the various Superior Court Judges. The assigned Judge and the Courtroom in which motions will be heard on a particular day can be found at <https://snohomishcountywa.gov/1338/Calendars-and-Schedules>

<u>Type of Motion</u>	<u>Where Heard (Calendar)</u>
All Civil Motions not otherwise described in this rule	Judge’s Civil Motions
Adoptions	Judge’s Civil Motions (Mondays Only)*
Approval of Minor Settlements	Judge’s Civil Motions (Mondays Only)*
All Summary Judgment Motions other than to establish parentage	Judge’s Civil Motions (Tuesday – Friday)

<u>Initial Trust and Estate Dispute Resolution Act (TEDRA) motions under RCW 11.96A.100(8)</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Revise Court Commissioner Rulings</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Intervene</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Consolidate/Bifurcate</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Stay of Proceedings</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Reasonableness Hearings</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Dismiss (Summary Judgment; CR 12b)</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Injunctive Relief</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Set Trial/Strike Trial de Novo</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Transfer from Trial to Arbitration</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Enforce/Vacate CR 2A Agreement</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Confirm Sheriff's Sale</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Disburse Funds (Trustee Sale/Interpleader)</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions for Limited Admission</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Petitions for Non-Parental Visitation</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>All Writs except Writs of Restitution and Writs of Habeas Corpus</u>	<u>Judge's Civil Motions (Tuesday – Friday)</u>
<u>Motions to Revoke Bail Bond Justification</u>	<u>Presiding Judge Motions</u>
<u>Motions for Pre-Assignment</u>	<u>Presiding Judge Motions (heard without oral argument)</u>
<u>Motions regarding Trial Setting/Trial Continuances/Expedited Trial</u>	<u>Presiding Judge Motions</u>
<u>Motions regarding Timeliness of Jury Demand</u>	<u>Presiding Judge Motions</u>
<u>Motions for Jury Trial (when previously set as non-jury trial)</u>	<u>Presiding Judge Motions</u>
<u>Petitions for Final Extreme Risk Protection Order, Sexual Assault Protection Order, or Vulnerable Adult Protection Order</u>	<u>Presiding Judge Trial Call</u>
<u>Motions to Renew, Terminate, or Modify an Extreme Risk Protection Order, Sexual Assault Protection Order or Vulnerable Adult Protection Order</u>	<u>Judge who signed the Order to be renewed, terminated or modified**</u>

<u>Motions for Reconsideration</u>	<u>Judge who signed the Order to be reconsidered**</u>
<u>Motions to Waive, Compel or Reallocate the Cost of ADR after the first ADR Compliance Hearing</u>	<u>ADR Compliance Hearing Judge</u>
<u>Relief from Duty to Register (when registration requirement was imposed on an adult offender)</u>	<u>Sentencing Judge or Successor**</u>
<u>Relief from Duty to Register (when registration requirement was imposed on a juvenile offender)</u>	<u>Juvenile Court Offender Judge***</u>
<u>Motions to Revise Juvenile Court Commissioner Rulings</u>	<u>Juvenile Court Offender Judge***</u>
<u>Motions to Approve Surrogacy Agreements</u>	<u>Juvenile Court Offender Judge***</u>
<u>Petition for Special Immigrant Juvenile Classification</u>	<u>Juvenile Court Dependency Judge ***</u>

*** These motions are to be noted for hearing on Mondays only.**

**** The name of the Judge who signed the Order to be reconsidered must be indicated on the Note for Calendar**

***** These motions are to be noted for hearing at the Denney Juvenile Justice Center.**

(b) Unopposed Matters. If no one appears in opposition to a motion at the time set for hearing, the court may enter the order sought, unless the court deems it inappropriate to do so. If no one appears in support of a motion, the court may strike the matter or deny the motion unless the court deems it inappropriate to do so.

(c) Manner of Hearing. Parties shall appear in person or remotely to present oral argument, unless the Court indicates that it will decide a particular motion on the pleadings alone or that in person appearance is required.

(1) Judge’s Civil Motions: In person hearings will be held in the assigned department of the judge who will be hearing the calendar. Remote hearing information for Judge’s Civil Motions is available here: <https://snohomishcountywa.gov/5772/Judge-Civil-Motions>. Parties and counsel will be notified by the law clerk for the assigned Judge no later than 4:30pm the day before the hearing if a motion will be decided without oral argument.

(2) Commissioner Civil Motions: In person hearings will be held in Courtroom 1B. Remote hearing information for Commissioner Civil Motions is available here: <https://www.snohomishcountywa.gov/5660/TelephonicRemote-Appearances-Zoom-Hearing>. To determine whether a motion will be decided without oral argument, parties and counsel should review the

[Snohomish County Superior Court Commissioner Hearings Page: https://www.snohomishcountywa.gov/5657/Commissioner-Hearings](https://www.snohomishcountywa.gov/5657/Commissioner-Hearings)
after 5:30 p.m. on the last day of the confirmation period.

~~(d)~~(e) Time for Argument; Special Setting. No more than five (5) minutes per side will be allowed for argument unless specially permitted by the court. If more than one half (1/2) hour of judicial time, including preparation and incourt time, is required, the moving party shall at the earliest possible opportunity advise the confirmation clerk or law clerk/bailiff of the judge who will be hearing that calendar. The matter may then be pre-assigned, specially set, or placed on the trial calendar, at the discretion of the Presiding Judge or designee. If placed on the trial calendar, unless otherwise authorized by the court, the parties or their attorneys shall be present for the trial calendar call on the day of the setting. Upon stipulation of all parties or upon court order, a motion may be presented without oral argument.

~~(d)~~(e) Shortening time. Before taking any action on less notice than that required by this or any other rule, a party must present a motion and affidavit, and must obtain an order to shorten time. The documents may be presented ex parte if the motion contains a written certification that the other parties pro se or attorneys were notified of the time and place of the hearing requesting the order shortening time.

SCLCR 7(b)(2)(d)(12) MOTIONS FOR REVISION OF COMMISSIONER'S ORDER

A party seeking revision of a commissioner's order shall, within the time specified by statute, file and serve on all other parties a motion and completed calendar note. The filing of the written order of the commissioner shall commence the running of the time. Review of rulings shall be de novo on the pleadings submitted to the commissioner. It is the responsibility of the party seeking revision to provide the Judge with working copies of the motion and all materials submitted to the Commissioner for consideration. However, the Court will not consider any supporting materials not previously filed and provided to the Commissioner in support of or in opposition to the order for which revision is sought, or any materials stricken or not considered by the Commissioner. A transcript or recording of proceedings held before the commissioner shall not be filed or considered by the Court, unless specifically authorized by the judge hearing a motion to revise. Any motion for revision shall state each particular finding of fact, conclusion of law, order or ruling for which revision is sought. Any such motion shall additionally contain a brief statement, for each such claimed error, which

states the movant's claim of the correct finding, conclusion, order, or ruling. The Motion for Revision shall be filed timely and shall be scheduled by the movant to be heard not more than 14 days after the motion is filed. ~~Working Copies of the motion and all papers which were before the commissioner in support or opposition shall be delivered as provided in SCLCR 7(2)(B) by the party moving for revision.~~

SCLCR 40 ASSIGNMENT OF CASES; SETTING OF TRIALS- FILING OF PLEADINGS – TIME OF TRIALS – CONTINUANCES - SETTLEMENT

(d) Trials.

~~(1) *Manner of Trial.* Civil Trials and voir dire are presumed to occur in person unless (a) all parties or counsel stipulate in writing that all or a portion of the trial will be conducted remotely, and such stipulation is approved by the Court or (b) the Court grants a motion requesting that one or more parties, witnesses, or counsel be permitted to appear remotely. Remote trials and remote voir dire shall be conducted in a manner consistent with Remote Protocols developed by the Court and published on the Court's website.~~

~~(2) (2) *Confirmation.* It shall be the duty of each attorney of record or party pro se in a case set for trial to jointly or separately confirm, no sooner than 12 noon of the first court day of the week and no later than 12 noon of the last court day of the week two weeks prior to the trial date, in such written or electronic form as approved by the court. The court may strike the trial date and may impose sanctions and/or terms against the parties or counsel for failure to so confirm, including dismissal of the case.~~

~~(3) (3) *Alternative Dispute Resolution.* At time of confirmation the parties shall provide proof of compliance with SCLSPR 94.04(c)(3).~~

~~(4) *Interpreters.* Not later than the last day of the confirmation period in SCLCR 40(d)(1), a party requiring the assistance of an interpreter, or their attorney, shall notify court administration of need for an interpreter, and shall further identify the language or languages for which interpretation is required.~~

(g) *Reduction or Waiver of Jury*. If a jury is to be waived or reduced from a twelve (12) to a six (6) member panel, the Court Administrator MUST be so notified no later than 12 noon on the last court day of the week prior to the trial date, except as approved by the court.

(h) *Reporting for Trial*. All parties and counsel shall report to the Presiding Department at 9:00 a.m. on the date set for trial for assignment to a trial department unless otherwise notified by the Court Administrator. Parties and counsel shall appear in person unless the Court has approved a stipulation for remote trial or ordered that a trial occur remotely, in which case the parties may appear remotely in a manner set forth by the Court in an Administrative Order or on the Court website. If no trial department is available for trial at such time, the Presiding Judge shall hold or excuse the parties for such time as circumstances dictate.

SCLCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

(d) Other Books and Records of Clerk

(5) Withdrawal of Exhibits.

(D) Return of Exhibits and Unopened Depositions. In any non-criminal cause, on a stipulation of the parties that when judgment in the cause shall become final, after an appeal, or upon judgment of dismissal, or upon filing of a satisfaction of judgment, the clerk may return all exhibits and unopened depositions or may destroy them. Absent such stipulation of the parties, the clerk is authorized to seek an order, ~~under SCLCR 79(d)(E),~~ upon notice to parties, for withdrawal and destruction.

PART V. SPECIAL PROCEEDINGS RULES (SCLSPR)

SCLSPR 94.04(c)

(3) Alternative Dispute Resolution Required In Family Law.

(A) No change proposed.

(B) No change proposed.

(C) *Alternative dispute resolution timing.* In all matters in which ADR/Mediation is required, the parties must comply with the requirement ~~prior to trial confirmation. In all matters filed after September 1, 2018, in which a Compliance Schedule is set, the parties must file proof of compliance with the ADR requirement by filing a Notice of ADR Compliance~~ no later than 8 months from filing the case or prior to confirming the trial, whichever comes first. Compliance may be accomplished by both parties attending ADR/Mediation and submitting a Notice of ADR Compliance signed by the mediator, by receipt of a court order waiving ADR/Mediation being waived by court order or by demonstrating that establishing the case is exempt from the ADR/Mediation Requirement by providing the required exemption information on a filed Notice of ADR/Mediation Complianceis requirement. The parties may also advise the court of any attempted ADR/Mediation. However, an attempt ~~does~~ will likely not satisfy the compliance requirement. The ADR Judge will review the information provided and the court file to determine whether compliance has been met in a particular case, or whether it is appropriate to waive mediation on the Court's own motion.

(D) *Failure to comply.* Failure of the parties to fulfill the ADR/Mediation Requirement by the time of the ADR Compliance hearing may file the Notice of ADR Compliance and also establish compliance with the requirements of ADR will result in the case being dismissed unless the case file or a status report demonstrates efforts to move the case towards completion~~your case being dismissed, unless you appear at your compliance hearing and the judge allows a continuance for ADR compliance. If you have attempted ADR/Mediation, but the other party would not participate, you should appear for your compliance hearing to explain the circumstances.~~ Refusal or delay by either party may constitute contempt of court and result in sanctions imposed by the court, including the imposition of monetary terms.

(E) *Division of costs.* The parties shall be equally responsible for the cost of ADR unless a different division of the cost is ordered by the court pursuant to (F), below, or agreed upon by the parties.

(F) Motions. The Domestic Compliance Schedule, which consists of an ADR/Mediation Compliance deadline and an ADR/Mediation Compliance Hearing, is a schedule set and confirmed by the Court, and cannot be continued by agreement of the parties. Continuances of the Domestic

Compliance Schedule may only be granted by leave of the Court, for good cause shown.

Before First Compliance Hearing: Motions to waive or compel ADR/Mediation, continue the Domestic Compliance Schedule or change the allocation of the cost of ADR/Mediation as set forth in this rule, shall be noted on the Commissioner's Domestic Motions calendar a minimum of 14 days prior to the date of the first ADR/Mediation Compliance Hearing.

After First Compliance Hearing: Motions to waive or compel ADR/Mediation, continue the Domestic Compliance Schedule, or change the ADR/Mediation cost allocation made after the initial ADR/Mediation Compliance Hearing must be noted in front of a Compliance Hearing Calendar Judge a minimum of 14 days prior to the next ADR/Mediation Compliance Hearing. A special set date and time may be obtained by e-mailing: ADR.compliance@snoco.org.

Either party may, by motion on the Commissioner's Domestic Motions Calendar, seek a court order requiring ADR in a case where it would not be required as set forth in (3)(B) above, if the moving party believes that the parties would be able, through ADR, to resolve their dispute fairly under the particular circumstances of the case.

~~Motions to waive or compel ADR, motions to continue the date for the ADR/Mediation compliance or motions to change the allocation of the cost of the ADR as set forth in this rule, shall be set on the Commissioner's Domestic Motions calendar. The above motions shall be noted a minimum of 45 days prior to the date of the ADR/Mediation required date set on the Notice of Compliance (8 months from date of filing) or the date for trial. Either party may, by motion on the Commissioner's Domestic Motions Calendar, seek a court order requiring ADR in a case where it would not be required as set forth in (3) (b), (3) (c) or (32) (d) above, if the moving party believes that the parties would be able, through ADR, to resolve their dispute fairly under the particular circumstances of the case. If the Commissioner orders a new ADR/Mediation date, the ADR compliance hearing will be rescheduled to 2-4 weeks after the date ordered for ADR/Mediation compliance.~~

(4) ADR Compliance Hearing. At the time of filing, the case shall be set for an ADR compliance hearing at 37 weeks or the next available session thereafter. All cases that enter all final orders or file a notice of settlement or

ADR Compliance pursuant to SCLSPR 94.04 (i) seven (7) calendar days prior to this date will have their ADR compliance hearing stricken automatically. If final orders or notice of settlement or compliance are filed less than seven (7) calendar days prior to the ADR compliance hearing, the parties should also provide a copy of the document to SSC-ADR.Compliance@snoco.org ~~org~~ to ensure the court is aware of the completion of the case or settlement. If the parties have satisfied the ADR requirement and filed their Notice of ADR Compliance two (2) days prior to the ADR compliance hearing date, they do not need to appear for the hearing and the case will be set for a court confirmed trial. Parties that have not satisfied the ADR requirement shall appear at the ADR compliance hearing to explain their lack of compliance. Failure to appear may result in dismissal of the case. The ADR Compliance calendar is held without oral argument except as set forth below. The Court, on or shortly after the date of the scheduled hearing, will review the court file to determine what action to take, which may include setting the case for an in person hearing, setting the case for trial, dismissing the case, ordering financial sanctions, or taking other action deemed necessary to move the case forward. In order to assist the Court in making appropriate decisions, parties are encouraged to file an ADR Compliance Status Report within 21 days before their scheduled hearing. The ADR Compliance Status Report can be found on the Court's website. If the form is filed less than five (5) days before the hearing, a working copy should also be e-mailed to the Court at ADR.compliance@snoco.org. One Zoom ADR calendar will be scheduled approximately one time per month. The purpose of this hearing is to allow additional oversight for cases where the ADR Compliance Judge determines that a hearing is required. These hearings shall be heard via Zoom and the Zoom link information will be printed on the Court order if a case is set to the Zoom calendar.

(5) Trials. Parties may file a note for trial setting per Rule 40 (b) (1) prior to their compliance hearing to receive an earlier trial date. If the trial date assigned by court administration is after the ADR compliance hearing date, the trial will be court confirmed. Parties who have obtained their own trial date must still follow the above requirements regarding the need to appear at the ADR compliance hearing or the case will be dismissed.

A. Trial Continuances in Family Law Cases. In all family law cases, a motion or stipulation for trial continuance shall list the date(s) upon which trial was previously set. Motions or Stipulations for trial continuances shall be considered on the pleadings and without oral argument unless the parties are notified that oral argument is

requested by the Court. Parties and counsel who wish to submit notices of unavailability must do so at the time the motion or response is filed.

(6) Family Law Proceedings Motions.

A. Except as otherwise provided in this rule, all motions, and returns on orders to show cause shall be as set forth in SCLCR 7, ~~or~~ SCLCR 56, or SCLCR 59.

B. Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witness in support of motions shall be limited to a sum total of twenty-five (25) pages. ~~Each motion and supporting or opposing documents shall be independently filed as a separate document.~~ The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in reply shall be limited to a sum total of five (5) pages. Motions for temporary orders shall be made using pattern form FL Divorce 223 and shall include all relief sought in a single motion, including, but not limited to: child support, child custody, debt or asset allocation, use of vehicles, family home, etc. Parties are not prohibited from bringing additional motions at a later date so long as the subsequent motion is based on a demonstrable change of circumstances or newly discovered information that could not have been reasonably known at the time of the initial motion. Motions to amend temporary parenting plans shall be governed by RCW 26.09.194. All declarations and affidavits must be legibly hand printed or typed in at least twelve (12) point type, double-spaced, and comply with GR14. All pages, including attached declarations and affidavits shall be sequentially numbered. Such sequential numbers shall appear in the bottom left corner of the documents. ~~Working copies of previously filed documents/orders are excluded from page limitation.~~

C. Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. Photographs, text messages, email, electronic communications, depositions and similar material shall count toward the page limit. ~~All other exhibits attached to a declaration or affidavits shall not be counted toward the page limit.~~

D. Financial Declarations. Financial declarations and financial documents do not count toward the page limit.

E. Expert Reports and Evaluations. Declarations, affidavits, and reports from, guardians ad litem, police reports, substance abuse evaluations, psychological evaluations and other expert witnesses do not count toward the page limitation.

F. Miscellaneous exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the Court in lieu of the court file do not count toward the page limit. Any such copies shall be provided under coversheet indexing same by docket number and/or original filing date.

G. Circumvention Prohibited. Parties may not circumvent this rule by filing several motions in the same family law matter on the same day or in such close proximity matters are likely to be continued to be heard together. A Countermotion filed requesting the same or related relief and scheduled to be heard with the opposing motion shall not provide the parties with an additional 25/25/5 page limit. A countermotion requesting additional or different relief than the initiating motion is not included in this prohibition.

FH. Sanctions. Failure to comply with this rule may result in sanctions that may include, but are not limited to, striking over limit pleadings.

PART VI. CRIMINAL RULES (SCLCRR)

SCLCrR 1.2 PURPOSE AND CONSTRUCTION

(a) Where the term "probation" is used herein it will also apply to "community supervision".

(a)(b) Where the singular term "party" is used, it shall be interpreted to also include cases involving multiple parties.

(c) The term "party" refers to the litigant and their attorney, if applicable. Unless a rule requires a specific action by the defendant, any duties placed upon a party may be undertaken by the attorney for the party on behalf of the party.

SCLCrR 3.1B RIGHT TO AND ASSIGNMENT OF LAWYER CERTIFICATES OF COMPLIANCE FOR INDIGENT DEFENDANTS

(d) Assignment of Lawyer

~~(4) (e)~~ Certificates of Compliance with the Standards for Indigent Defendants required by CrR 3.1 and JuCr 9.2 shall be filed quarterly with the Snohomish County Clerk.

~~(d)~~ All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrR 3.1/JuCr 9.2 Certificate of Compliance with the Standards for Indigent Defendants is on file with the Snohomish County Clerk.

(f) Services Other Than a Lawyer. Pursuant to CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the Snohomish County Office of Public Defense (OPD). Upon finding that investigative, expert, or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the OPD shall authorize the services. The OPD shall set both the hourly rate and total remuneration for such expert(s) or other services based upon usual and customary rates in the community for such services at public expense. Where, after review by the Director of the OPD, services are denied in whole or in part, the defendant may move for de novo review before the Judge designated by the Presiding Judge to review denial of requests for services under CrR 3.1 (f) and JuCR 9.3

SCLCrR 3.2 ~~Bail Review~~ RELEASE OF THE ACCUSED

~~(j)~~ Any in-custody defendant may file a motion for bail review on the daily criminal hearings calendar if the hearing will take less than 10 minutes. If it will take longer than 10 minutes, it may be noted on the extended motions calendar for review of bail.

The parties can find Hearing Availability at <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules>. Prior to requesting a date and time for the bail review motion to be set before either the criminal hearings judge or the extended criminal motions judge, the party noting the motion shall check the website above to assure availability.

On any nonviolent offense, a motion for bail review may be noted on the calendars with at least 24 hours' notice of the hearing.

On any violent offense, a motion for bail review may be noted with at least 48 hours' notice. Violent Offense is as defined in RCW 9.94A.030(55) and any sexually related charge.

A calendar note identifying the appropriate calendar, the date and time for the hearing, and the anticipated amount of time the hearing will take must be filed and provided with the working copies

~~(a) Creation of Calendar. One or more bail review only calendars shall be set on a daily basis (Monday-Friday) based upon the number of matters set for bail review.~~

~~(b) Types of Motions. This calendar shall strictly be limited to motions for release on personal recognizance or a request for reduced bail for an amount the defendant is likely to be able to post.~~

~~(c) Calendar limits. There will be a maximum of two (2) departments to hear bail review matters, unless the Presiding Judge determines on a particular day there is a need for additional calendars and the calendars can be properly staffed. For each department assigned to a bail review calendar, there shall be a maximum of four (4) cases set for each morning calendar and four (4) cases set for each afternoon calendar for a total of eight (8) in each department.~~

~~Morning calendars shall begin at 9:30 am and afternoon calendars shall begin at 1:30 pm. If only one Department is needed, these matters will be heard in Dept. 201. If a second department is needed, the law clerk for the Presiding Judge will notify the attorneys and transport of the second department assigned. If any cases cannot be heard due to both departments reaching their limits, the matter will be scheduled for the next available date unless the Presiding Judge, in their sole discretion, creates additional bail review calendars for the overset date.~~

~~(d) Notice. Notice shall be provided to the opposing party at noon a minimum of two court days prior to the date set for hearing. Notice and a request for hearing shall also be provided by email to the law clerk for the Presiding Judge.~~

~~(e) Motions to shorten time. Any motion to shorten time shall be noted with a specific date and time to be heard without oral argument to the Presiding Judge and there shall be a minimum of two (2) hours notice to the opposing party. The motion to shorten time together with all supporting materials for the motion to shorten time as well as all materials for the substantive~~

~~motion for bail review shall be emailed to the law clerk for the Presiding Judge.~~

~~(f) Working copies. Parties shall submit both electronic working copies and hard working copies of all materials to the Presiding Judge's Department. Electronic copies shall be submitted with the initial request for the hearing.~~

~~(g) Video calendar. Any matter currently set on the video calendar will be assigned out to a department for hearing. No bail review motions shall be requested to be heard on the video calendar beginning Monday March 23, 2020 and any request to have a bail review set on the video calendar after this date will automatically be stricken or not set.~~

~~(h) Agreed Orders. All agreed orders for release shall be submitted ex-parte to the Judge assigned to Criminal hearings.~~

SCLCrR 3.2.1A PRELIMINARY APPEARANCE OF DEFENDANT

- (d) ~~(a)~~ Generally. Unless a defendant has appeared or will appear before a court of limited jurisdiction for a preliminary appearance pursuant to ~~JCrR 2.03(a)~~ CrRLJ 3.2.1(a), any defendant, whether detained in jail or subjected to court authorized conditions of release, and any person in whose case the Juvenile Court has entered a written order declining jurisdiction, ~~must~~ shall be taken or required to appear before the Superior Court in person or by electronic audio-visual device as soon as practicable after the detention is commenced, the conditions of release are imposed, or the order is entered, but in any event before the close of business on the next judicial day. A person is not subject to conditions of release if the person has been served with a summons and the only obligation is to appear in court on a future date.

SCLCrR 3.4 PRESENCE OF THE DEFENDANT

~~(a) Required-Exception. Unless otherwise ordered by the court the presence of the defendant shall be required at all proceedings, including omnibus hearing.~~

(b) When Necessary. The defendant shall be personally present (physically or remotely in the court's discretion) at all hearings identified in CrR 3.4(b)

and at hearings held pursuant to CrR 3.5, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.

(1) Presence of the Defendant. The Court finds that the unless all parties have agreed to a trial continuance to a particular date and the defendant has signed the order of continuance, or authorized counsel to sign on behalf of the defendant, the personal physical appearance of the defendant is necessary at the trial calendar on Friday at 9:30 AM except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. The Court further finds that when one party is requesting a continuance and the other party is objecting to the continuance or it's duration, the personal appearance of the defendant is necessary. At a request for a continuance the Defendant's personal appearance may be either physically in-person or remotely by Zoom, at the Defendant's discretion, unless otherwise specified or ordered by the Court. The Court predicates these findings upon the need for:

(A) the defendant to confer with counsel as to the disqualification of the assigned trial judge; and

(B) the defendant to confer with counsel as to how to conduct jury selection; and

(C) the Court to timely respond to a disqualification of the assigned trial judge; and

(D) the Court to confirm that there are no issues that necessitate a trial continuance; and

(E) the Court to enter appropriate orders when a case is not ready for trial and the defendant has not agreed to a continuance; and

(F) the Court to confirm that any accommodations necessary to ensure a fair trial of the accused and the ability of witnesses to testify are secured.

Absent findings in support of a contrary conclusion, the failure of the defendant to appear will prevent the case from moving forward.

Absent good cause, motions in limine will begin on the same day that the Court assigns the case out to trial, following assignment. The defendant may appear physically or remotely for motions in limine, but the defendant shall appear in court physically for jury selection. A defendant may only appear remotely for motions in limine, rather than in-person, if

the defendant does so by means of a smartphone or a tablet, or other device with a camera, has the ability to hear and be heard, has reliable internet service, and has access to a location that will permit them to participate with no disruptions.

- (e) Record. In any hearing where the defendant is in custody in the Snohomish County Jail and no sworn testimony is to be taken, including but not limited to preliminary appearance, arraignment, re-arraignment, bail review, trial setting or continuance, and/or extradition waiver, the court may in its discretion conduct such hearing with the defendant present in person or by electronic audio-visual device, and may make an electronic, mechanical, or shorthand record thereof in accordance with CR 80.

RULE 3.7 SERVICES OTHER THAN A LAWYER (Rescinded; Moved to SCLCrR 3.1)

~~(f) Services Other Than a Lawyer. Pursuant to CrR 3.1(f) and JuCR 9.3, all requests and approval for expert services expenditures are hereby delegated to the Snohomish County Office of Public Defense (OPD). Upon finding that investigative, expert, or other services are necessary to an adequate defense and that defendant is financially unable to obtain them, the OPD shall authorize the services. The OPD shall set both the hourly rate and total remuneration for such expert(s) or other services based upon usual and customary rates in the community for such services at public expense. Where, after review by the Director of the OPD, services are denied in whole or in part, the defendant may move for de novo review before the Judge designated by the Presiding Judge to review denial of requests for services under CrR 3.1 (f) and JuCR 9.3.~~

SCLCrR 4.1 ARRAIGNMENT (New Rule)

Defendants and counsel may appear for out-of-custody arraignments through Zoom pursuant to the Zoom Protocols and Procedures for Criminal Hearings and Extended Criminal Motions located at: <https://www.snohomishcountywa.gov/5740/Criminal-Zoom-Hearings>.

Protection orders, Orders to Surrender Weapons, or similar orders should be signed in advance of the hearing if the defendant will be appearing remotely. The court may continue or set over all or part of an arraignment to allow additional time for signed orders to be presented.

SCLCrR 4.5 OMNIBUS HEARING

(a) **Omnibus Calendar.** The Omnibus Calendar shall be heard at the time indicated for such as set forth in an administrative order of the court, and in such courtroom as may be posted. ~~Effective 8/1/2019, a~~Absent good cause, there shall be no more than two (2) omnibus hearings per case. Good cause may include TAP continuances and Drug Court continuances. Agreement of the parties alone shall not constitute good cause. ~~Failure of a defendant to appear at an omnibus hearing does not count as an omnibus hearing. If no omnibus order is entered by the second omnibus hearing, the parties shall enter an ex-parte agreed omnibus order consistent with CrR 4.5 no later than 15 days before the trial date. The omnibus order shall include a discovery date deadline. Absent good cause, failure to meet the discovery deadline or the deadline for entering the ex-parte agreed omnibus order may result in the imposition of sanctions.~~

- ~~(1) The date of the initial omnibus hearing for a particular case shall be set at arraignment, on the first available calendar three weeks before the trial date for an in-custody defendant and five weeks before the trial date for an out of custody defendant.~~
- ~~(2) No less than 48 hours before the date and time of the omnibus hearing, the parties shall submit an agreed omnibus order, on the form prescribed by the Court, for approval by the extended motions Judge. Unless otherwise notified by the Court, the attorneys must appear at the omnibus calendar if their case remains on the calendar at the time it is distributed by the Court.~~
- ~~(3) If the attorneys are unable to present an agreed order, they must appear at the omnibus hearing, or submit an agreed trial continuance, which sets a 2nd omnibus hearing consistent with the schedule in paragraph (1), above.~~
- ~~(4) If no agreed omnibus order is entered by the time set for second omnibus hearing, the parties must appear in person at the Omnibus hearing.~~

(f) **Criminal Motions Calendar.** Pre-Trial Motions, including those pursuant to CrR 3.5, CrR 3.6, are governed by SCLCrR 8.2: Motions.

~~(f) Criminal Motion Calendar. Motions to suppress, Rule 3.5 hearings, and similar matters, shall be heard at the time indicated for such as set forth in an administrative order of the court and may be assigned to Trial Departments as may appear appropriate to the judge. Matters in criminal cases requiring disposition other than on the regular Arraignment, Omnibus or Criminal Motion Calendars, shall be presented to the Criminal Motions Judge, except for motions for preassignment which shall be presented to the Presiding Judge. Criminal motions requiring more than ten minutes to be heard shall be confirmed by 12:30 p.m. one day prior to the hearing by sending an email message to the law clerk for the assigned criminal hearings judge at: hearings.ssc-criminal@snoco.org. The moving party must notify the court as soon as possible when a confirmed matter is stricken or continued. Failure to do so may result in the imposition of sanctions or terms. The moving party's motion and brief, if any, must be filed with the court clerk and a copy served on the judge hearing the matter and opposing counsel at least five court days before the hearing. Responding documents and briefs, if any, must be filed with the court clerk, and a copy served on the judge hearing the matter and the moving party at least five court days before the hearing. Reply documents must be filed and served no later than 12 noon of the court day prior to the hearing. [Amended effective September 1, 2020] CrR 3.5 hearing dates may not be set by court order after the second omnibus hearing. If the 3.5 hearing has not been set by the time of the second omnibus hearing, there will be no further 3.5 hearings set by Court Order. After the second omnibus hearing, if the State desires to have a 3.5 hearing, the State must timely file and serve a calendar note and motion. If the 3.5 hearing is not completed by one week prior to the trial call date, the statements will not be admissible at the time of trial absent good cause to excuse the delay. No motion hearing, with the exception of a CrR 3.5 hearing, may be set by court order unless the actual motion and supporting documents are filed by the time the order setting the hearing is entered. If the motion and supporting documents are filed, a date for hearing can be set by court order. If the date is not set by Court order, in accordance with the conditions above, then the motion and all supporting documents must~~

~~be filed and served together with a calendar note, per court rule. If a defense motion is not heard by one week prior to the trial call date, the court may impose sanctions. If good cause is found to excuse the delay in bringing the CrR 3.5 or other motion, no sanctions shall be imposed on account of the delay. Examples of good cause include but are not limited to: court congestion; inability to interview necessary witnesses in a timely fashion, so long as the delay was not caused by the party requesting the finding of good cause; unavailability of necessary witnesses; and failure of a party to timely provide discovery to the party seeking a finding of good cause. If the State's failure to provide discovery creates good cause to excuse delay, such failure may be a basis for the court to impose financial sanctions. Agreement of the parties alone shall not constitute good cause to excuse delay of a hearing set by court order. If the trial call date is continued prior to the time set for trial call, the deadlines for 3.5 hearings and all other motions shall be extended to one week prior to the new trial call date, unless the trial date was continued by agreement and there has been no finding of good cause regarding the original deadline for filing of motions.~~

RULE 4.11 MENTAL HEALTH SCREENING

(g) **Court Action.** At the hearing following receipt of the initial Mental Health Screening Report, the court shall, along with the Report, consider the arguments and any factual information from the Prosecuting Attorney and the defendant's counsel and may either:

1. Find that there is not a reason to doubt the competency of the in custody defendant and deny the Motion for a further evaluation of the defendant's competency pursuant to RCW 10.77.060, or
2. Find that there is reason to doubt the competency of the in custody defendant, and provided that the defendant has not indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, stay further criminal proceedings, and order an evaluation of the mental health condition (competency) of the in custody defendant at state expense pursuant to RCW 10.77.060, by a qualified community expert, who has been preapproved by the court (subject to available funding). Such competency evaluation shall be in writing and

returned to the court not later than 15 days from the entry of such order, or

3. Find that there is reason to doubt the competency of the in custody defendant, stay further criminal proceedings, and order that a qualified expert from Western State Hospital evaluate and report on the mental health condition (competency) of the defendant pursuant to RCW 10.77.060, or:

4. Find that there is reason to doubt the competency of the in-custody defendant, stay further criminal proceedings, and, finding that circumstances involving the health of the defendant require, order that the defendant be transported to Western State Hospital for an evaluation and preparation of a report on the mental health condition (competency) of the defendant, pursuant to RCW 10.77.060.

(e) Filing of Reports. All mental health evaluations and reports generated by an order of the Court shall be filed in the Court file by the attorneys.

SCLCrR 6.1 TRIAL BY JURY OR BY THE COURT (New Rule)

(E) Stipulated Trial. A Stipulated Bench Trial on Agreed Documentary Evidence begins on the day the Stipulation is accepted and concludes on the day the Court enters its verdict and imposes sentence, if applicable. Absent an extraordinary circumstance, the entire trial shall be presided over by the same judicial officer. At the time of the entry of the stipulation, the State shall file all documents for the Court's consideration under a coversheet entitled Appendix C. Copies of the filed documents shall be provided to the Court and the Defendant.

(f) Not Offered Exhibits. All exhibits marked but not offered at trial shall be subject to the same retention requirements as those admitted or rejected.

SCLCrR 6.3 SELECTING THE JURY (New Rule)

Jury selection shall be conducted in a manner consistent with CrR 6.3, and shall occur in person unless all counsel and the defendant stipulate to remote jury selection and the Court approves the stipulation.

SCLCrR 6.12 WITNESSES (Rescinded; Moved to SCLCrR 6.1)

~~**(f) Not Offered Exhibits.** All exhibits marked but not offered at trial shall be subject to the same retention requirements as those admitted or rejected.~~

SCLCrR 7.8 Post-Conviction Motions (New Rule)

(a). Filing and Service. A motion for post-conviction relief pursuant to CrR 7.8 shall be filed with the Clerk and served on the Snohomish County Prosecuting Attorney. The motion shall be accompanied by supporting affidavits and documentation.

(b). Scheduling the Hearing. At the time the motion and supporting documentation is filed, the moving party shall set the matter for a hearing on the personal calendar of the sentencing Judge or successor. Hearings shall be noted using the Calendar Note designated by the Court and shall be set on the Judge's Personal Calendar. The moving party may select any day, Monday-Friday at 8:30am and note the matter without requesting a date and time from the court.

(1) Sentencing Judge Unknown. If the moving party does not know the appropriate judge to hear the matter, the party should note the hearing to be heard before the Presiding Judge, who will transmit the motion to the appropriate judge.

(c). Order to Show Cause. Unless the Court transfers the matter to the Court of Appeals for consideration as a Personal Restraint Petition, the Court will issue an Order to Show cause why the requested relief should not be granted. The moving party shall submit a proposed Order to Show Cause together with any working copies if represented by counsel. Unrepresented parties are urged and encouraged, but not required, to submit a proposed order.

(1) Except as otherwise set forth in this rule, or shortened by the Court, the Show Cause Hearing shall be set for a date not less than 45 days after the date the motion is filed.

- (d). Response and Replies.** Responses shall be filed and served not less than 15 days before the date set for the show cause hearing, and replies shall be filed and served not less than 7 days before the date set for the show cause hearing unless the time for responses or replies is extended or shortened by the court. The response may take the form of a motion to transfer the defendant's motion to the Court of Appeals, for consideration as a personal restraint petition.
- (e). Manner of Hearing.** The hearing will be without oral argument, unless argument is requested by the Court or a request for oral argument is granted by the Court. Any party requesting oral argument shall set forth the basis for the request in writing. If, after receipt of the motion or response, the Court determines that oral argument is necessary, or grants a request for oral argument, the Court will notify the parties and arrange for a date and time for oral argument.
- (f). Motions pursuant to State v. Blake, NO. 96873-0.** The timelines set forth in this rule shall apply to motions for relief based on the February 25, 2021 Washington State Supreme Court decision in *State v. Blake*, unless the motion, if granted, would result in the release of the defendant immediately or within 45 days after the date the motion is filed. In such a circumstance, the motion shall be filed and served on the prosecutor not less than 28 days before the proposed date for the Show Cause hearing, and the prosecutor's response shall be due not less than 14 days before the Show Cause hearing, and any reply shall be not less than 5 days before the Show Cause hearing unless the time is extended or shortened by the court.
- (g). Agreed Orders.** Parties are encouraged to submit agreed orders to the sentencing judge or successor. However, if it would expedite the release of the defendant or increase efficiency, an agreed order may be submitted to the criminal hearings judge.

SCLCrR 8.1 TIME (New Rule)

Except as set forth herein, time shall be computed and enlarged in accordance with CR 6 and SCLCR 6.

SCLCrR 8.2 MOTIONS (New Rule)

(a) Related Rules. CrR 3.5, CrR 3.6, CR 6, CR 7(b), SCLCR 6(d)(1), SCLCR 7(b)(2)(d)(1) – (7), and CRLCrR 8.1 shall govern motions in criminal

cases. A motion for reconsideration shall be governed by CR 59(b), (e), and (j).

(b) Scheduling; Timing of Motions. Motions to suppress, CrR 3.5 hearings, and similar matters, shall be heard at the time indicated for such as set forth in an administrative order of the court and may be assigned to Trial Departments as may appear appropriate to the judge. Hearings pursuant to CrR 3.5 must be completed by one week prior to the trial date or the statements will not be admissible at the time of trial absent good cause to excuse the delay. Motions to suppress must be heard by one week prior to the trial date or the court may impose sanctions. If good cause is found to excuse the delay in bringing the CrR 3.5 or other motion, no sanctions shall be imposed on account of the delay. Examples of good cause include but are not limited to: court congestion; inability to interview necessary witnesses in a timely fashion, so long as the delay was not caused by the party requesting the finding of good cause; unavailability of necessary witnesses; and failure of a party to timely provide discovery to the party seeking a finding of good cause. If the State's failure to provide discovery creates good cause to excuse delay, such failure may be a basis for the court to impose financial sanctions. Matters in criminal cases requiring disposition other than on the regular Arraignment, Omnibus or Criminal Motions Calendars, shall be presented to the Criminal Motions Judge, except for motions for preassignment which shall be presented to the Presiding Judge.

(c) Criminal Hearings and Motions. There shall be two criminal departments: Criminal Hearings, held in Courtroom 1A and Criminal Motions, held in another courtroom designated by the Court. The times and dates of the hearings to be heard in each department will be set forth in an Administrative Order and Court Calendars. Attorneys and parties shall identify available dates and times for their motions by reviewing the Criminal Hearings calendars available at

<https://snohomishcountywa.gov/1338/Calendars-and-Schedules>

a. Parties may note a matter in the Criminal Hearings department, Courtroom 1A by e-mailing a scheduling request to the criminal hearings e-mail: hearings.ssc-criminal@co.snohomish.wa.us. The e-mail must state in the subject line the date and time requested for the hearing and the case name and cause number.

i. Motions to vacate record of conviction and motions for certificates of discharge shall be heard on the pleadings only unless a criminal hearings judge requires argument.

- b. Parties may note an extended motion (any motion, other than a bail motion, that will require more than 10 minutes of court time) by filing a calendar note that sets the matter to any Friday 3:00pm Criminal Motions Call Calendar in Department 8/Courtroom 3F (or the courtroom designated at that time as the Extended Motions Courtroom). The calendar note shall identify a preferred and an alternate date and time for the motion to be heard the week following the Criminal Motions Call Calendar.
- c. The Calendar Note must be accompanied by a motion and must be filed and served on all parties and sent to the criminal hearings email (hearings.ssc-criminal@co.snohomish.wa.us) not less than five (5) days before the Friday Criminal Motions Call Calendar. Responsive materials, if any, must be filed and served on all parties not later than 12:00pm two (2) court days before the Criminal Motions Call calendar. Any reply must be filed and served on all parties not later than 12:00pm one (1) court day before the Criminal Motions Call calendar. By filing a Calendar Note, the attorney/party represents to the Court that the initial briefing necessary for the matter has been filed, that all witnesses necessary for the hearing are available, and that any additional briefing will be completed in accordance with this rule. The law clerk monitoring the criminal hearings email will tentatively schedule matters into a requested hearing slot. Where there are scheduling conflicts, the law clerk will notify the affected attorneys/parties. The requested date, time and location for a hearing will not be confirmed by the Court until the moving party has confirmed their hearing as follows:
- i. Confirmation Process: The moving party must confirm their hearing by sending an e-mail to criminal.workingcopies@snoco.org between 8:00am and 12:00pm the day of the motions call calendar or by appearing at the Criminal Motions Call Calendar. Opposing counsel and any other person entitled to notice of the hearing shall be included on the confirmation e-mail. The subject line shall indicate that the e-mail is for an extended motion confirmation and shall include the case name and cause number. The moving party's working copies shall be attached to the e-mail in a single .pdf or other electronic format. The document name shall be consistent with electronic working copy document naming requirements. The date and time of the hearing shall be the date and time of the applicable criminal motions call calendar. The body of the e-mail shall include confirmation of the following:
1. All briefing has been filed and electronic working copies are attached to the e-mail.
 2. All necessary witnesses are available for the hearing.

3. Opposing counsel has not indicated that they are unavailable.
- ii. If the moving party is not able to confirm (a)-(c), above, or the opposing party has indicated, by e-mail, an objection to the Court confirming the motion, the attorneys shall appear at the 3:00pm motions call calendar.
 - iii. Parties confirming by e-mail will receive an e-mail that the court has confirmed the hearing, and will provide the confirmed date and time of the hearing. All matters not confirmed by e-mail will be heard on the motions call calendar.
 - iv. Responsive pleadings or other working copies must be electronically provided to the court at criminal.workingcopies@snoco.org no later than 3:00pm on the day of the Motions Call Calendar. The date and time of the hearing indicated on the working copies shall be the date and time of the Criminal Motions Call Calendar.
 - v. Unless otherwise directed, a defendant is not required to appear at the Criminal Motions Call Calendar, but defense counsel must notify the defendant when and where to appear for the subsequent motion hearing.

SCLCrR 8.11 ELECTRONIC WORKING COPIES (New Rule)

Electronic Working Copies are required in criminal cases as follows:

- (a). Judicial working copies for criminal matters shall be submitted to the Court in an electronic format at the time the hearing is set, or at the time the response or reply is due as set forth in SCLCrR 8.2(c). Electronic working copies shall be delivered as set forth in paragraph (f) and (g), below. Paper working copies may also be provided.
- (b). Judicial working copies of written materials, briefing and exhibits for criminal matters shall be submitted to the Court in an electronic format and in paper format under the following circumstances:
 - 1. Where the time to hear the motion has been shortened by court order or rule, such that responsive pleadings cannot be electronically provided by 4:30pm the day before the hearing; or
 - 2. Where the length of all written materials, including attachments, for one submission (initial filing, response, or reply) exceeds 25 pages; or
 - 3. When submitting proposed jury instructions.

Under these circumstances, the electronic working copy shall be delivered as set forth in paragraph vi and vii below and the paper working copy shall be delivered to the assigned judge by delivery to

Court Administration or directly to the assigned law clerk at the time the pleading is due, or as far in advance of the hearing as possible if time has been shortened.

- (c). For every working copy provided to any judge, the original materials shall be filed with the Clerk's Office prior to the time the hearing is scheduled to be heard. It is the responsibility of the attorney providing the working copy to ensure it is filed.
- (d). Except as required elsewhere in this rule, paper working copies will not be accepted unless it is impossible or impractical for electronic working copies to be provided or in addition to the electronic working copy, a party chooses to supply a paper working copy. If a party asserts that it is impossible or impractical for electronic working copies to be provided, they shall so state by declaration or affidavit, which shall be filed with their paper working copies. Defendants appearing *pro se* are presumed to be unable to submit electronic working copies and may submit hard working copies through Court Administration or may submit electronic working copies as set forth herein.
- (e). The following items shall be submitted in hard copy and shall not be submitted electronically: videos, audio recordings, printed photographs, electronic media such as a CD or DVD, or other tangible objects. In these instances, the items should be placed in a manila envelope or other appropriate container and attached to a coversheet that contains the complete caption, a description of the items provided, and the date, time, and location of the hearing. The name, address, phone number and e-mail address of the attorney or party submitting the working copies shall be in the bottom right hand corner of the coversheet.
- (f). Electronic working copies for hearings set in the criminal hearings or criminal motions courtrooms shall be sent to: criminal.workingcopies@snoco.org. Electronic working copies for matters set on a judge's personal calendar, or preassigned to a particular judge, shall be sent to the working copy e-mail address for that judge. The working copy e-mail addresses are for criminal matters only at this time, and will be located on the Criminal Matters page on the Snohomish County Superior Court website. Working copies may be sent directly to the correct e-mail address or through the Odyssey File and Serve (OFS) e-service application to the correct e-mail address. Unless the working copy is delivered through OFS, or is for an extended motion set on the motions call calendar, the subject line for the emails must contain, in this order:

Location of hearing (i.e., criminal hearings, criminal motions, or name of Judge), date of hearing, time of hearing, case name, case number.

Submissions of electronic working copies that do not conform to these rules will be rejected.

(g). Electronic working copies shall be submitted by providing an electronic document in portable document format (.pdf) or as a Microsoft word document (.doc). All documents filed for a single submission for a particular hearing shall be combined in one document and the document name must contain, in this order:

Date of hearing, time of hearing, case name, case number, party submitting the materials, and the title of the materials.

For extended motions set on the criminal motions call calendar, the date and time of the hearing shall be the date and time of the motions call calendar.

(h). Electronic working copies are considered transitory in nature and will not be regularly maintained by the Court past the date of the hearing for which they were submitted. If a matter is continued, it shall be the responsibility of the attorney who submitted the working copy to ensure that it is resubmitted for the new hearing date and time.

PART VIII. JUVENILE COURT RULES (SCLJUCR)

SCLJuCR 3.9 DEPENDENCY REVIEW AND PERMANENCY PLANNING HEARINGS

(a) ~~Dependency Review~~ Reports. A written ~~review~~ report and, for permanency planning hearings, a permanent plan, shall be prepared by the supervising agency and filed and served on all counsel and unrepresented parties not less than 14 calendar days prior to any ~~6-month~~ review or permanency planning hearings. The report shall address all factors the Court is required by statute to consider at the hearing. Responsive documents shall be filed and served on said parties and counsel not less than ~~7-5 (five)~~ calendar days prior to the any 6-month review or permanency planning hearing. Reply documents, if any, shall be filed and served on said parties and counsel not later than noon 2 court days prior to the any 6-month or permanency planning hearing. Courtesy copies of all ~~dependency review~~ reports, responsive and reply documents shall be provided to the assigned judge at

the time of filing with the court. ~~The supervising agency shall mail a copy of the written review report to any represented party at the time it is filed with the court.~~

~~(b) Non-contested Calendar. All dependency reviews not being heard by the Foster Care Citizen Review Board shall be set for hearing on the non-contested calendar to be heard between 5 and 6 months after the beginning of the placement episode or entry of the order of dependency, whichever occurs first; and thereafter between 5 and 6 months after entry of the previous review order. The initial review hearing shall be an in-court review and shall be set 6 months from the beginning date of the placement episode or no more than 90 days from the entry of the disposition order, whichever comes first. A dependency review hearing order consistent with the agency court report may enter at the hearing, subject to court review.~~

~~(c) Contested Calendar.~~

~~(i) If a party wishes a contested review hearing, he or she shall obtain a date from the clerk's office and serve a Notice of Contested Hearing on counsel and unrepresented parties at least 1 5 court days prior to the non-contested calendar date.~~

~~(ii) The contested hearing date shall be at least 7 days later than the non-contested hearing date, but less than 6 months from the date of the prior review hearing.~~

~~(iii) If the contested hearing is set for a time beyond the normal review period an order maintaining the status quo will be entered pending the contested hearing.~~

~~(iv) The Notice of Contested Hearing shall contain the hearing date obtained from the clerk's office, the issues that are contested, and the estimated length of time needed for the hearing. The notice of contested hearing shall be accompanied by documents in support of the issue.~~

~~(v) Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.~~

~~(vi) The court may set a case on the contested calendar with notice to all parties accompanied by a statement of the reasons for such action.~~

~~(viI) Failure to timely note a contested review may result in entry of a dependency review hearing order on the non-contested calendar consistent with the agency's court report.~~

~~(viii) Inability to contact one's client will not be deemed a basis to transfer a matter to a contested calendar. If desired, counsel can file a written statement as to non-contact as a basis for non-agreement, but the matter will be deemed non-contested.~~

~~(d)(b) Dependency Review and Permanency Planning Hearings. Dependency Review Hearings and Permanency Planning Hearings shall be set pursuant to statutory timelines on such calendars as designated by the Court in an Administrative Order.In all cases where a child has been placed in substitute care for at least 9 months and an adoption decree, guardianship order, or permanent custody order has not previously been entered, a permanency planning hearing shall be set on the "Permanency~~

~~Planning Review" calendar no later than 12 months following commencement of the placement episode. Additional permanency planning hearings shall be held at 11 month intervals thereafter for so long as the child remains in substitute care.~~

~~(i) If a party or CASA/GAL disputes the contents or recommendations contained in the report filed by the supervising agency, and, due to the nature or quantity of contested issues, the Review or Permanency Planning hearing is likely to take longer than 15 minutes, he or she shall obtain a date from the assigned Judge's law clerk for a Contested Hearing and serve a Notice of Contested Hearing on all parties and the CASA/GAL.~~

~~(ii) The contested hearing date shall be at least 5 court days after the notice is provided, but shall be set within the timelines for review/hearing set forth by statute. If the contested hearing is set for a time beyond the normal review period an order maintaining the status quo will be entered pending the contested hearing.~~

~~(iii) The Notice of Contested Hearing shall contain the hearing date obtained from the assigned Judge's law clerk, the issues that are contested, and the estimated length of time needed for the hearing. The notice of contested hearing shall be accompanied by documents in support of the issue.~~

~~(iv) Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.~~

~~(v) The court may set a case on the contested calendar with notice to all parties.~~

~~(vi) Failure to timely note a contested hearing may result in entry of a permanency planning hearing order consistent with the agency's court report.~~

~~(vii) Inability to contact one's client will not be deemed a basis to transfer a matter to a contested calendar. If desired, counsel can file a written statement as to non-contact as a basis for non-agreement, but the matter will be heard on the regular review calendar.~~

~~(i) After receipt of the agency's court report, if a party or GAL contest any issue, they must file and serve on all counsel and unrepresented parties a Notice of Contested Issues no later than 7 calendar days before the hearing. The Notice of Contested Issues shall be accompanied by documents in support of the issue. Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.~~

(e) Motions. Any party may note a motion for hearing on a regularly scheduled contested review calendar. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 7 for civil motions.

(i) Motion with oral argument. A party wishing to note a motion for hearing shall obtain a date from the assigned Judge's law clerk~~clerk's office~~ and shall file and serve the motion, a calendar note, and all supporting documents to all counsel and unrepresented parties at least five (5) court days prior to the date set for the hearing. Any responsive documents must be filed and served on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Any document in reply to the response must be filed and served on all parties no later than noon of the court day prior to the hearing. Courtesy copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court. Special settings shall be made only with the permission of the assigned judge. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 6 & 7 for civil motions.

(ii) Motion to Shorten Time. Motions to have a motion heard with less than five (5) court days' notice, which are not agreed, will be heard on the days and times set by Administrative Order 11 "Times, Days and Location of Various Motions". Copies of the Motion to Shorten Time, the Underlying Motion, and any supporting documents must be served on all parties and the court no later than four business hours (Monday through Friday 8:30 am to 5:00 pm) prior to the hearing regarding shortening time. The documents can be served via email, fax, or other means if the parties have agreed to receive service in that manner.

~~(ii)~~**(iii)** Motion without oral argument. Non-dispositive motions which a party reasonably believes can be resolved on pleadings alone may be noted without oral argument in the same manner as other motions except that:

A. The moving party may note the motion on a Motions Without Oral Argument~~calendar for any court day~~ without obtaining a date from the Law Clerk.

B. The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument. The proposed order must also be distributed to all counsel and unrepresented parties at the time of filing, and shall be clearly marked "PROPOSED."

C. Any party opposing the motion must file and serve their responsive materials, including an alternative proposed order, on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Working copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court.

D. Any party may request that the motion be heard with oral argument by clearly noting "oral argument requested" on the first page of their opposition materials.

E. If the court determines that oral argument is necessary, either on request of a party or on its own determination it will issue an order re-setting the hearing to occur with oral argument not more than three court days after the initially noted date for consideration. Examples of a motion which a party may reasonably believe can be resolved on pleadings alone include: Medical/dental care authorizations requiring a court order where the parents agree to the treatment; travel requests requiring a court order where the parents agree to the travel; requests for youth authorization to participate in Driver's Education; Motions for court-determination of

visitation schedule (e.g. around holidays); any proceeding where a parent's agreement is unable to be secured after reasonable attempts to contact.

SCLJuCR 7.12 DISPOSITION HEARING

~~(g) Disposition Order. At or after a disposition hearing, a written Disposition Order shall be signed by the judge. Unless otherwise specifically provided for in said Order, the probation counselor is authorized to thereafter fix and establish the amount of restitution and a schedule for the payment of any fines, restitution, court costs or attorney's fees, or the performance of any community service. Once such schedule is proposed in writing by the probation counselor and a copy given to the defendant, such shall be deemed to be incorporated into and a part of the Disposition Order, unless a written request for judicial review is filed within ten (10) days. Thereafter, any failure to comply with said schedule shall be deemed a violation of the Disposition Order~~

(h) Fingerprints; When Required. Unless otherwise ordered by the court, the fingerprints of a juvenile adjudged to have committed an offense which would be a felony if committed by an adult, shall be affixed to such Disposition Order in the form and manner authorized by R.C.W. 10.64.110.

SCLJuCR 10.7 SEALING JUVENILE COURT RECORDS (Rescinded)

~~The right to request and obtain an order sealing and/or destroying records in the manner set forth in ch. 13.50 RCW, GR 15 and SCLGR 15 shall be extended to those youth who have signed Diversion Agreements to the extent practicable in light of the Juvenile Court's limited involvement with the diversion process.~~