

CHELAN-DOUGLAS COUNTY BAR ASSOCIATION JANUARY 7, 2009 NEWSLETTER

Announcements

Bar Lunches in 2008 – 2009

The January CLE will be January 21 and will be Russ Speidel on Practical Probate Procedures – How to be Effective and Efficient. The February CLE will be Gil Sparks – an update on Employment Law.

Young Lawyers Division

No Host Happy Hour at Bob's Classic Diner on Thursday, January 15, 2009, at 5:30 p.m. All bar members are welcome and young lawyers are encouraged to attend. The young lawyers will be hosting social meetings every other month on the 3rd Thursday at Bob's.

New Local Rules

There are new local rules for Chelan County attached to this announcement. The majority of the changes apply to self-represented litigants. However, anyone practicing family law should pay particular attention to Exhibit C to LR 94-04.

Pattern Guardianship Forms

The Superior Court Judges' Association ("SCJA") requested that the Pattern Forms Committee consider and adopt statewide pattern Guardianship forms for use in RCW 11.88 guardianship cases involving incapacitated persons. The Pattern Forms are suggested and not mandatory. Forms can be downloaded from the Court Forms home page below the new heading "Guardianship Forms," at <http://www.courts.wa.gov/forms/?fa=forms.static&staticID=14>.

VAS

Attorney Stan Morse has taken a number of pictures of courthouses around the state over the years. He has sold numerous photographs and some of them have graced the cover of different bar publications. He has agreed to sell some of his photographs and donate half of the net proceeds to VAS. We will have some of his photos at bar lunches between now and May and will show some of them at the Spring Bar Party.

Hunt for my Replacement and for my Replacement's Replacement.

I have received one nomination for bar president for next year. If anyone is interested in being the bar president for next year, or in nominating someone for the local bar president, please contact me at peggimoxley@aol.com.

When I first moved to Wenatchee in 1998, we used to elect a president-elect, so that we had a president and a president-elect. In reflecting on this year, I think electing a president-elect is a great idea because then the president-elect would have a year in training and could help the president. So, if anyone is interested in being the president-elect for next year, or in nominating someone to be the president-elect, please contact me.

(2) Hearings by Documentary Evidence. All show cause hearings pertaining to requests for temporary support money and/or attorney's fees shall be heard and determined by documentary evidence only, unless the parties request that oral testimony be given and the court, in its discretion, agrees.

(3) Supporting Worksheet. A motion for order to show cause for temporary support shall be supported by a child support worksheet in the form prescribed by state law and may also include a financial declaration in the form designated in Exhibit A attached to this rule. No order shall be signed setting a show cause hearing for temporary support unless the signed worksheet accompanies the motion.

(4) Information Considered Notwithstanding Non-appearance. An affidavit or child support worksheet filed by a non-appearing respondent shall be considered by the court at the time of hearing on show cause hearings and upon hearing default dissolutions.

(5) Limitations on Declarations.

(a) *Application.* This section (5) of this rule does not apply to domestic violence petitions or domestic violence motions.

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

(c) *Format.* All filed documents and copies provided as "Working Papers" and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines.

(d) *Page limits.*

(i.) *Generally.* Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(ii.) *Exhibits.* Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(iii.) *Financial Declarations.* Financial Declarations and financial documents do not count toward the page limit.

(iv.) *Expert Reports and Evaluations.* Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Guardians Ad Litem (GAL) and expert witnesses do not count toward the page limit.

(v.) *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. Deposition excerpts shall not count toward the page limit.

F. DISPOSAL OF PROPOSED PARENTING PLAN.

The Clerk is authorized to remove from the file and dispose of all proposed parenting plans after the Permanent Parenting Plan has been entered and the time for appeal has elapsed.

~~Each party shall attend and complete an approved parenting workshop within ninety (90) days of filing a proceeding specified in Section (1) above.~~

Case Number: _____

Hearing Date: _____

CHELAN COUNTY SUPERIOR COURT

JIS SEARCH FOR ALL CASES INVOLVING CHILDREN

Under the parenting plan or residential schedule proposed to the court, the child(ren) will spend the majority of their time living with the (check one):

Petitioner or Respondent

	Name / Alias used	Birthdate	Court Use Only
Petitioner(s)	1	1	JIS/JABS checked <input type="checkbox"/> <input type="checkbox"/> SCOMIS checked <input type="checkbox"/> <input type="checkbox"/> Information attached <input type="checkbox"/> <input type="checkbox"/> No information found <input type="checkbox"/> <input type="checkbox"/>
	2	2	
Other Adult(s) living in Petitioner's home or spending a significant amount of time in Petitioner's home	1	1	JIS/JABS checked <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SCOMIS checked <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Information attached <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> No information found <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	2	2	
	3	3	
Respondent(s)	1	1	JIS/JABS checked <input type="checkbox"/> <input type="checkbox"/> SCOMIS checked <input type="checkbox"/> <input type="checkbox"/> Information attached <input type="checkbox"/> <input type="checkbox"/> No information found <input type="checkbox"/> <input type="checkbox"/>
	2	2	
Other Adult(s) living in Respondent's home or spending a significant amount of time in Respondent's home	1	1	JIS/JABS checked <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> SCOMIS checked <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Information attached <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> No information found <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	2	2	
	3	3	

Date: _____

Presented By: _____

Self Represented or Attorney for Petitioner or Attorney for Respondent

This form must be filed by both parties at the Court Facilitator's Office at least three days prior to scheduled hearing for entry of final orders. If orders are to be presented ex parte, this cover sheet must accompany the final documents when presented to the

LR 7 PLEADINGS ALLOWED; FORM OF MOTIONS

(b) Motions and Other Papers.

(1) How Made.

(A) Reapplication on Same Facts. When a motion has been denied in whole or in part (unless without prejudice) or when a motion has been granted conditionally and the condition has not been performed, the same motion may not be presented to another judge. Reapplication shall be made in the same manner as a motion to reconsider. NOTE: SEE LR 56 FOR SUMMARY JUDGMENT MOTIONS.

(B) Subsequent Motion; Different Facts. If a subsequent motion is made upon alleged different facts, the moving party must show by affidavit what motion was previously made, when and to which judge, what order or decision was made on it, and what new facts are claimed to be shown.

(C) Notes for Motion Calendar; Time for Filing. Any party desiring to bring any motion prior to trial, other than a motion for summary judgment, must file with the Clerk and serve all parties and the Judge assigned to hear the motion or the Presiding Judge at least five (5) court days before the date fixed for such hearing. **A BENCH COPY OF THE MOTION AND ALL SUPPORTING DOCUMENTS SHALL BE DELIVERED TO THE CHELAN COUNTY COURTHOUSE OR MAILED OT THE JUDGE. THE MAILING ADDRESS FOR ALL JUDGES IS P.O. BOX 880, WENATCHEE, WA 98807-0880.** The documents should include a Note for Motion, the motion and supporting documents.

(i) Note for Motion – Dissolution Actions. See Washington Pattern Form.

(ii) Other Actions. The note must contain the title of the court; the date, the time when the same shall be heard; the words "Note for Motion", the names of the attorneys for all parties or parties pro se; the nature of the motion; and by whom the motion is made. Attached as Exhibit B to this Rule is an example form of a Note for Motion that may be used for Chelan County causes. Any sections of Exhibit B that do not apply to the particular motion may be deleted from the form prior to filing. This note for motion must be signed by the attorney or party pro se filing the same, with the designation of the party represented.

(iii) The note or other document shall provide a certificate of mailing of all documents relating to the motion. If a party noting the matter for hearing: (a) has a limited ability to speak or understand the English Language, or (b) knows or, after reasonable inquiry has reason to believe, that any other party to the action has limited ability to speak or understand the English Language, the party noting the matter for hearing shall indicate on the Note for Motion form that an interpreter is needed. If the matter being noted is other than a family law matter, or if the language for which the interpreter is needed is not Spanish, the party filing the Note for Motion shall simultaneously with such filing provide a copy of the Note for Motion to the Judicial Assistant. This paragraph shall not apply to State-initiated child support enforcement or modification actions or to State-initiated paternity actions so long as the State provides an interpreter for such proceedings.

LR 7 PLEADINGS ALLOWED; FORM OF MOTIONS (continued)

Responding documents and briefs must be filed with the Clerk and copies served on all parties and the Judge scheduled to hear the motion, no later than noon two (2) court days prior to the hearing. Copies of any additional responding or reply documents must be filed with the Clerk and served on all parties no later than noon of the court day prior to the hearing.

(D) Late Filing; Terms. Any material offered at a time later than required by this rule, over objection of counsel, may be rejected by the Court, or the matter may be continued and the court may impose appropriate terms or sanctions.

(E) Telephonic Hearing. Any party may request to argue any motion by telephone conference call. The requesting party shall contact the judge or commissioner scheduled to hear the motion at least three (3) days before the hearing for permission under such conditions as ordered by the court. All parties retain the right to argue motions in person, even if the other party appears by telephone.

(F) Special Settings. To special set any matter before the assigned judge, contact the person responsible for scheduling that judge's calendar as follows:

Dept. No. 1 Judge Lesley A. Allan Loraine Hohnstein 667-6214
E-mail: Loraine.Hohnstein@co.chelan.wa.us

Dept. No. 2 Judge T.W. Small Karen Komoto 667-6212
E-mail: Karen.Komoto@co.chelan.wa.us

Dept No. 3 Judge John E. Bridges Luanne Nelson 667-6209
E-mail: Luanne.Nelson@co.chelan.wa.us

If you are not certain which judge is assigned to the case contact Fona Sugg at 509 667-6210 or E-mail Fona.Sugg@co.chelan.wa.us.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

<p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">Defendant.</p>	<p>No.</p> <p>NOTE FOR MOTION</p> <p><input type="checkbox"/> Interpreter needed¹</p> <p style="padding-left: 20px;"><input type="checkbox"/> Spanish</p> <p style="padding-left: 20px;"><input type="checkbox"/> Other language: _____ (specify)</p> <p><input type="checkbox"/> ASL</p>
--	---

TO: CLERK OF THE COURT

AND TO:

NOTE FOR LAW AND MOTION CALENDAR

_____ Please note that this matter will be heard on the regularly scheduled Law and Motion Calendar on the _____ day of _____, 20__, at 9:30 a.m. (adoption - 9:00 a.m.).
Nature of Hearing: _____

NOTE FOR SHOW CAUSE CALENDAR

_____ Please note that this matter will be heard on the regularly scheduled Show Cause Calendar on the _____ day of _____, 20__, before Court Commissioner Vandegrift at 1:30 p.m.

NOTE FOR PRO SE SHOW CAUSE CALENDAR

_____ Please note that this matter will be heard on the regularly scheduled Pro Se Show Cause Calendar on the _____ day of _____, 20__, before the Motion Judge at 2:00 p.m.

NOTE FOR DISSOLUTION CALENDAR

_____ Please note that this matter will be heard on the regularly scheduled Dissolution Calendar on the _____ day of _____, 20__, before the Motion Judge at 1:00 p.m. **(If Spanish interpreter needed, then note on Domestic Violence Calendar below)**

¹ If an interpreter other than a Spanish interpreter is needed, or if the case is other than a family law case, a copy of the Note for Motion must be provided to the Judicial Assistant simultaneously with the filing of this document. LR 7(b)(1)(c)(iii)

NOTE FOR DOMESTIC VIOLENCE CALENDAR/SPANISH INTERPRETER MATTERS

_____ Please note that this matter will be heard on the regularly scheduled Domestic Violence Calendar on the _____ day of _____, 20__ before the Motion Judge at 9:00 a.m.

Nature of Hearing: _____

All summary judgment motions must be special set for the judge assigned to preside over the case.

NOTE FOR SPECIAL SETTING

All dates and times for special settings must be obtained from the person responsible for scheduling for the Judge or Commissioner before which the motion is to be set.

_____ Please note that this Summary Judgment has been specially set before the Honorable _____, on the _____ day of _____, 20__, at _____ a.m./p.m.

Note: **CONFIRMATION:** ON ANY MOTION FOR SUMMARY JUDGMENT, COUNSEL FOR THE MOVING PARTY SHALL CONTACT THE PERSON RESPONSIBLE FOR SCHEDULING FOR THE JUDGE OR COMMISSIONER (LR7(F)) THREE COURT DAYS PRECEDING THE DATE SET FOR HEARING AND ADVISE WHETHER THE MOTION WILL BE HEARD. IF NOTIFICATION IS NOT MADE, THE MOTION WILL BE STRICKEN FOR RESETTING PURSUANT TO LR 56(k).

_____ Please note that this matter has been specially set before Court Commissioner _____ on the _____ day of _____, 20__, at _____ a.m./p.m.

Nature of Hearing: _____

USE THIS SECTION ONLY IF NONE OF THE ABOVE APPLY

_____ Please note that this matter has been specially set before the Honorable _____, on the _____ day of _____, 20__, at _____ a.m./p.m.

Nature of Hearing: _____

Dated this _____ day of _____, 20__.

By: _____

Attorney for _____