

External:RE: Adams County Local Court Rules

iversonlaw@odessaoffice.com <iversonlaw@odessaoffice.com>

Fri 1/5/2024 11:04 AM

To: Peter Palubicki <peterp@co.adams.wa.us>

Happy Friday

Domestic relations matters: Allow uncontested dissolution matters to be finalized ex parte, at least if there are no children involved. Grant County will enter final decrees without jurisdictional testimony if there are no minor children (still have to have a presentment hearing, but parties don't need to be there, just the attorney). If there are minor children, at least one of the parents must be there for jurisdictional testimony. Lincoln County allows all uncontested dissolutions to be finalized ex parte.

Ex Parte matters: If you're going to set ex parte hours, please make sure you're there every day during those hours. There were countless times I needed an ex parte order, only to get there and be told Judge wasn't in.

Filing: ELECTRONIC FILING PLEASE!!!!!! The district court allows filing by email. Fax filing would be fine too.

That's all I can think of right now. If you have any general family law questions, please feel free to ask. I know you're not super familiar with those yet.

Vickie

From: Peter Palubicki <peterp@co.adams.wa.us>

Sent: Friday, January 5, 2024 6:37 AM

To: Barrett Scudder <scudder.barrett@gmail.com>; Victoria S. Iverson <iversonlaw@odessaoffice.com>; John Kragt <john@mdkjlw.com>; steve@sackmannlaw.com; Nina.Fisk@atg.wa.gov; deanna@algspokane.com; toniperson@rocketmail.com; crumplerlaw1@gmail.com; Richard Wall PS <rdwallps@comcast.net>; Chris Bajalcaliev <bajalcalie@aol.com>; Brandon West <brandonwest@hotmail.com>; Dan Wu <Dan@eqlaw.net>; Robert Lehman <robertl@co.adams.wa.us>; Randy Flyckt <randyf@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>; Max Eugenio <maxe@co.adams.wa.us>; steve@sjfelicelaw.com; Jessica Rodriguez, SJF Lawyers <jessica@sjfelicelaw.com>; Lyliane Couture <lyliane.c@gmail.com>; khille@sosmail.us; Carson Van Valkenburg <carson@vvlawoffice.com>

Subject: Adams County Local Court Rules

Good morning counsel,

I am in the process of taking a fresh look at our local court rules. I welcome your input. Please submit your comments or suggestions to me by January 26th. Thank you for your help.

Sincerely,

K. Peter Palubicki
Adams County Superior Court Judge
210 W Broadway
Ritzville, WA 99169
Phone (509) 659-3272

External:Re: Adams County Local Court Rules

Barrett Scudder <scudder.barrett@gmail.com>

Fri 1/5/2024 1:18 PM

To:Peter Palubicki <peterp@co.adams.wa.us>

We have already discussed some of my thoughts. Here are some of my thoughts:

- 1) Ex Parte-I don't think that notice of Ex Parte matters should only be required when a party is represented. I think that notice should be provided to the other party, represented or not represented, when there is an existing or pending case. For instance, an ex parte pick-up order when a dependency is initiated or just filed could be done ex parte without notice. However, when a dependency case has been pending, notice should be provided to the other party. Same logic applies to divorces, protection order, or other civil matters. It should probably apply to criminal cases, ie. request for a warrant for violation of conditions of release. My experience is that the Department has wrongly removed a kid from a parent after return because the judge does not have all the information, and a child goes in and out and back again from and to the placement. Also, I don't think that parties represented by counsel should be able to go ex parte without their counsel to get an order signed, ie. social worker for the Department.
- 2) Scheduling of Dependency cases-I don't think that dependency hearings should only be once a month on the docket. Hearings should be able to be set on a civil docket with proper notice.
- 3) Criminal hearings-Not that it affects me anymore, but scheduling hearings are unnecessary. Omnibus hearings should not require appearance. Jury instructions should not be required or waived. Motions in limine should be heard whenever if proper notice is given.
- 4) Telephonic/video appearance-Telephonic or video appearance should be allowed if prior approval by the Court with some written guidelines.

Hopefully, this helps. Thank you for being open to opinions and thoughts.

Barrett

On Fri, Jan 5, 2024 at 6:37 AM Peter Palubicki <peterp@co.adams.wa.us> wrote:

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Phone (509) 659-3272

--

Barrett J. Scudder

Law Office of Barrett J. Scudder, P.S.

827 W. 1st Ave., Suite 318

Spokane, WA 99201

509-850-0613 - Fax 509-443-5241

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External:RE: Adams County Local Court Rules

Andrea Crumpler <crumplerlaw1@gmail.com>

Thu 1/25/2024 8:17 AM

To: Peter Palubicki <peterp@co.adams.wa.us>

Cc: Deanna Crull <deanna.crull@icloud.com>; 'Richard Wall PS' <rdwallps@comcast.net>

Judge,

Thank you for looking at the local court rules and being open to our feedback. We met and reviewed the rules and are submitting the below thoughts/ideas for your consideration. We are open to meeting with you in person to discuss this if you'd prefer.

Thanks,

Andrea

Rule 1B Telephonic Appearances: We would like to appear by WebX/video for first appearance hearings when our client is also appearing by video. This would allow us to be efficient with our time while also serving our clients.

Rule 1C General Motion Docket: We are not objecting to this portion but would like some clarification as to motion practice. The rule says that the Appendix LR-1B form shall be used to note motions. Does this preclude any/all oral motions, such as an oral motion to continue, or will this be allowed and entertained on a case by case basis?

Rule 1D Juvenile Matters: The last sentence of this rule does not comply with CrR 3.4. We would like it to be removed or adjusted so that it does not conflict.

Rule 1F Ex Parte Matters: Our concern with this rule is that it seems to apply to civil ex parte matters, not criminal. Service on the opposing party on an ex parte criminal matter defeats the purpose of it being ex parte. For example, a motion to seek expert funds by defense is allowed to be requested ex parte and it is not necessary for the prosecutor's office to be involved at all. We suggest that this paragraph state that it is for civil ex parte matters.

Rule 1H Criminal Cases and Pre-Trials: A scheduling hearing is unnecessary as dates are set out at the time of arraignment and motions may be filed and set as needed. The extra hearing is a burden on our clients, particularly those who are out of custody. In addition, as noted above, the sentence in the rule saying that attendance is mandatory does not comply with CrR 3.4 and should therefore be removed. We also would like to see the required timeline for submission of motions in limine and jury instructions changed. Most cases settle prior to trial. Given that, it is unnecessary for these documents to be submitted prior to the case being called ready for trial. We would appreciate a change that allows for submission after a case is called ready for trial.

Rule 2 filing: We would like the ability to file documents electronically. We understand that this requires the approval and cooperation of the clerk's office and therefore likely requires a bigger discussion. Saying that, it would make sense logistically and seems to be the way things are moving in the legal arena generally.

Rule 3A: Due to the change in law, this paragraph no longer applies.

Rule 9C Motions in Limine: This was addressed in our comments above under Rule 1H. Perhaps this section can note that the rule applies to civil cases for clarification.

Rule 9G Three Hole Punched: This would be an extra step that is perhaps unnecessary. We would like to see this rule removed.

Rule 9H Pleadings: Numbered lines are no longer the norm in law and we would request that this portion of the rule be removed.

Rule 9I Length: We are requesting that this rule be amended to allow for additional pages on the rare occurrence that they are needed.

Rule 12D: We understand the need to provide copies to the parties and the judge if a transcript is being used as part of an argument or motion, but otherwise request that this sentence be removed.

Rule 13A4D and 4G: We would like the sentences on 4D and 4G removed. Making a for cause challenge immediately when discovered could prohibit other jurors from feeling free to express their feelings or would potentially take away defense counsel's opportunity to explore a topic more with the jury panel as a whole. We also want to make for cause challenges outside of the presence of the jury after voir dire is completed but before making peremptory challenges. This allows defense counsel and the prosecuting attorney to fully flush out the arguments without tainting the jury pool.

From: Peter Palubicki <peterp@co.adams.wa.us>

Sent: Friday, January 5, 2024 6:37 AM

To: Barrett Scudder <scudder.barrett@gmail.com>; Victoria S. Iverson <iversonlaw@odessaoffice.com>; John Kragt <john@mdkjlaw.com>; steve@sackmannlaw.com; Nina.Fisk@atg.wa.gov; deanna@algspokane.com; tonipierson@rocketmail.com; crumplerlaw1@gmail.com; Richard Wall PS <rdwallps@comcast.net>; Chris Bajalcaliev <bajalcalie@aol.com>; Brandon West <brandonwest@hotmail.com>; Dan Wu <Dan@eqlaw.net>; Robert Lehman <robertl@co.adams.wa.us>; Randy Flyckt <randyf@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>; Max Eugenio <maxe@co.adams.wa.us>; steve@sjfelice.com; Jessica Rodriguez, SJF Lawyers <jessica@sjfelice.com>; Lyliane Couture <lyliane.c@gmail.com>; khille@sosmail.us; Carson Van Valkenburg <carson@vvlawoffice.com>

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Phone (509) 659-3272

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RE: Adams County Local Court Rules

Robert Lehman <robertl@co.adams.wa.us>

Thu 1/25/2024 1:58 PM

To: Peter Palubicki <peterp@co.adams.wa.us>

Good Afternoon Your Honor,

I have a few general suggestions for your consideration regarding mostly criminal rules.

I would suggest separating the civil and criminal dockets to separate days of the week. This would allow the criminal docket to start the criminal docket at 9:00 am. I previously spoke with the command staff at the jail and they are confident that they will be able to bring in custody defendants to court at 9:00 am, except for times when adverse weather makes traveling in the early morning unsafe.

I would suggest getting rid of the scheduling hearing, but requiring counsel to declare at the entry of the omnibus order whether the State is requesting a CrR 3.5 and whether the Defense is requesting a CrR 3.6 hearing.

I would suggest moving omnibus closer to the begging or exact middle between arraignment and trial.

I would suggest the court consider permitting in custody defendants to appear by video for First Appearance, Arraignments, Omnibus, and motions to continue. However, I think it is important for Defendants to be in person for change of pleas, sentencing, Pre-Trials, CrR 3.5 & CrR 3.6 hearings. This is assuming that we can figure out a better solution for the defense to meet with their clients. I discussed that plan with you before you were appointed and I just need to follow through with it.

I would suggest moving support enforcement to a time other than Wednesday morning. I spoke with Max and he said that if it was even in the afternoon on the first Wednesday, that he could make that work with his ODC docket. While increasing the frequency of the support enforcement docket to monthly would aid in moving some cases forward, I do not think the docket is sufficiently large enough to warrant a monthly docket.

I would suggest providing more time for parties to respond to substantive motions from five days to around two weeks and the reply to be provided several days before the oral arguments.

I would suggest removal or at least increasing the page limit on briefs. For me, ten pages is very tight, when I have spending half of it setting forth the relevant facts of the case. Even an increase to twelve or fifteen pages would be great.

I would suggest allowing filing of documents that do not contain original signatures, I think this would actually be in line with the general rule on signatures, which permit electronic signatures for file.

I would suggest getting rid of the weekend probable cause hearings. I would suggest a possible change to requiring the prosecuting attorney's office to review probable cause on the weekend following someone's arrest to determine whether the prosecutor is satisfied that probable cause exists. I don't think it would further be unreasonable that if we do determine that the prosecutor's office thinks that probable cause exists to hold the defendant over the weekend, that we submit a statement to that affect with the court on the next judicial day. Basically, stating that we reviewed the arrest on ___ date and the prosecuting's office has found that affidavit from officer ___ does set forth probable cause that the defendant has committed a crime and warrants them behind held until brought before the Court.

Thank you,

Robert Lehman

Deputy Prosecuting Attorney
Adams County
(509) 659-3219 Office
(509) 660-0097 Cell
(509) 659-3224 Fax
RobertL@co.Adams.WA.US

From: Peter Palubicki <peterp@co.adams.wa.us>

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To: Barrett Scudder <scudder.barrett@gmail.com>; Victoria S. Iverson <iversonlaw@odessaoffice.com>; John Kragt <john@mdkjlw.com>; steve@sackmannlaw.com; nina.fisk@atg.wa.gov; deanna@algspokane.com; toniperson@rocketmail.com; crumplerlaw1@gmail.com; Richard Wall PS <rdwallps@comcast.net>; Chris Bajalcaliev <bajalcalie@aol.com>; Brandon West <brandonwest@hotmail.com>; Dan Wu <Dan@eqlaw.net>; Robert Lehman <robertl@co.adams.wa.us>; Randy Flyckt <randyf@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>; Max Eugenio <maxe@co.adams.wa.us>; steve@sjfelicelaw.com; Jessica Rodriguez, SJF Lawyers <jessica@sjfelicelaw.com>; Lyliane Couture <lyliane.c@gmail.com>; khille@sosmail.us; Carson Van Valkenburg <carson@vvlawoffice.com>

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RE: Adams County Local Court Rules

Robert Lehman <robertl@co.adams.wa.us>

Thu 2/8/2024 3:29 PM

To: Peter Palubicki <peterp@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>

Your Honor,

Rule 1(E): I am concerned about setting juvenile fact findings on the same date and time as adult criminal trials. Since juvenile trials have the potential to bump adult trials, I could foresee a situation where you have a juvenile fact finding that is taking place before the adult criminal trial starts and you are having the jury have to sit and wait for what could be several hours of juvenile fact finding or fact findings, if there are multiple juvenile cases. In my experience, juveniles are more likely to go to fact finding than adult felony trials. I think this situation could happen and cause a burden on the jurors. I think, if you are going to start adult criminal trials at 9:00 am, that the juvenile fact findings should be set on a different date. Even just setting the juvenile fact findings later in that week would be a solution. For example, if you set the juvenile fact findings for 9:00 am on the Friday of the trial week, then worst case, if the adult trial is still going on, you can just tell the juror to come back at 1:00 pm or however later the juvenile fact finding needs. This way your jurors are not having to wait around for fact findings.

On Rule 5(C), it says that in all civil proceedings where an order required personal appearance has been issued the order shall contain language regarding bench warrants for arrest. Is this section supposed to be for criminal cases? I am not aware of authority for the general arrest of civil parties for failure to appear at hearings, except contempt.

Thank you,

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(509) 660-0097 Cell
(509) 659-3224 Fax
RobertL@co.Adams.WA.US

From: Peter Palubicki <peterp@co.adams.wa.us>

Sent: Thursday, February 8, 2024 1:52 PM

To: Barrett Scudder <scudder.barrett@gmail.com>; Victoria S. Iverson <iversonlaw@odessaoffice.com>; John Kragt <john@mdkjlaw.com>; steve@sackmannlaw.com; nina.fisk@atg.wa.gov; deanna@algspokane.com; toniperson@rocketmail.com; crumplerlaw1@gmail.com; Richard Wall PS <rdwallps@comcast.net>; Chris Bajalcaliev <bajalcalie@aol.com>; Brandon West <brandonwest@hotmail.com>; Dan Wu <Dan@eqlaw.net>; Robert Lehman <robertl@co.adams.wa.us>; Randy Flyckt <randyf@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>; Max Eugenio <maxe@co.adams.wa.us>; steve@sjfelice.com; Jessica Rodriguez, SJF Lawyers <jessica@sjfelice.com>; Lyliane Couture <lyliane.c@gmail.com>; khille@sosmail.us; Carson Van Valkenburg <carson@vvlawoffice.com>; Catherine Sloan <catherines@co.adams.wa.us>

Subject: Re: Adams County Local Court Rules

Good afternoon,

I would like to thank everyone who submitted comments regarding our existing court rules. I have attached a draft of the new local court rules. Please submit all comments to me in writing by April 8, 2024, the close of the comment period. Thank you again for your help.

Sincerely,

K. Peter Palubicki

Adams County Superior Court Judge

210 W Broadway

Ritzville, WA 99169

Phone (509) 659-3272

From: Peter Palubicki

Sent: Friday, January 5, 2024 6:36 AM

To: Barrett Scudder <scudder.barrett@gmail.com>; Victoria S. Iverson <iversonlaw@odessaoffice.com>; John Kragt <john@mdkjlaw.com>; steve@sackmannlaw.com <steve@sackmannlaw.com>; nina.fisk@atg.wa.gov <Nina.Fisk@atg.wa.gov>; deanna@algspokane.com <deanna@algspokane.com>; tonipierson@rocketmail.com <tonipierson@rocketmail.com>; crumplerlaw1@gmail.com <crumplerlaw1@gmail.com>; Richard Wall PS <rdwallps@comcast.net>; Chris Bajalcaliev <bajalcalie@aol.com>; Brandon West <brandonwest@hotmail.com>; Dan Wu <Dan@eqlaw.net>; Robert Lehman <robertl@co.adams.wa.us>; Randy Flyckt <randyf@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>; Max Eugenio <maxe@co.adams.wa.us>; steve@sjfelicelaw.com <steve@sjfelicelaw.com>; Jessica Rodriguez, SJF Lawyers <jessica@sjfelicelaw.com>; Lyliane Couture <lyliane.c@gmail.com>; khille@sosmail.us <khille@sosmail.us>; Carson Van Valkenburg <carson@vvlawoffice.com>

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RE: Adams County Local Court Rules

Daniel Eigler <daniele@co.adams.wa.us>

Fri 2/9/2024 8:35 AM

To: Robert Lehman <robertl@co.adams.wa.us>; Peter Palubicki <peterp@co.adams.wa.us>

Agreed, would make things much easier!

Daniel Eigler

Deputy Prosecuting Attorney

Adams County Prosecutor's Office

210 W. Broadway Ave. Ste 100

Ritzville, WA 99169

Phone: 509-659-3219

From: Robert Lehman <robertl@co.adams.wa.us>

Sent: Friday, February 9, 2024 8:33 AM

To: Peter Palubicki <peterp@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>

Subject: RE: Adams County Local Court Rules

I think that would work great.

Thank you,

Robert Lehman

Deputy Prosecuting Attorney

Adams County

(509) 659-3219 Office

(509) 660-0097 Cell

(509) 659-3224 Fax

RobertL@co.Adams.WA.US

From: Peter Palubicki <peterp@co.adams.wa.us>

Sent: Friday, February 9, 2024 5:50 AM

To: Robert Lehman <robertl@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>

Subject: Re: Adams County Local Court Rules

Thanks for the good comments. I am thinking of setting juvenile fact findings on the first Friday of each month. Do you see any issues with doing that on your end? If there is a jury trial still going, we could tell the jurors to come in later that day.

Sincerely,

K. Peter Palubicki

Adams County Superior Court Judge

210 W Broadway

Ritzville, WA 99169

Phone (509) 659-3272

From: Robert Lehman <robertl@co.adams.wa.us>

Sent: Thursday, February 8, 2024 3:29 PM

To: Peter Palubicki <peterp@co.adams.wa.us>; Daniel Eigler <daniele@co.adams.wa.us>

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External:RE: new Adams County Local Court rules

Ronaldo Delgado <ronaldod@delglaw.com>

Mon 2/26/2024 3:21 PM

To: Peter Palubicki <peterp@co.adams.wa.us>

Judge, it was good to see you today, and I am pleasantly surprised about your rapid action on the rules.

I have some comments on:

Rule 1:

1B.1 "permission of the court". What does this mean? Do we file a Motion, or do we call the court administrator before we appear in Webex.

C. Civil Motion on Wednesdays. A few of us in Grant county have court in district Court on Wednesday morning. Could criminal docket be moved to Monday afternoon? Or at least just leave Domestic for Monday mornings and criminal in afternoon?

1G Xparte: If party has attorney, does the party still need to appear, or is it sufficient for attorney to be present. Maybe add the word "or" so as to clear this point. Unless you require both, party and his/her attorney to be present.

Rule 5. Presumably this rule applies to civil and criminal matters?

Love the automatic order in dissolutions!. How about on other family law matters to just restraining parties from relocating or changing custody until court enters order? In many instances I have found that one party keeps the children and then moves so that other party has to either hire investigator, or file motions for return of children. Basically same automatic order, but without reference to property issues.

My 2 cents. Thanks for the effort to improve the court procedures.

Ronaldo P. Delgado
DELGADO LAW FIRM, PLLC
P.O.Box 2090
Moses Lake, WA 98837
Pho.:(509)766-9053

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From: Peter Palubicki [mailto:peterp@co.adams.wa.us]

Sent: Monday, February 26, 2024 1:35 PM

To: Ronaldo Delgado <ronaldod@delglaw.com>; james@jamesmageeattorney.com; lyliane@larsenfowles.com; jeremy@huberdeaulaw.com; brad@tracythonneylaw.com; nina.fisk@atg.wa.gov; Chris@Cwlgtc.com;

james@larsonfowles.com; ljk@pnwfamilylaw.com; jharlington@walkerheye.com; jwofford@robertcossey.com;
craig.watt@nwjustice.org; jacob@hodgsonlawoffice.com

Subject: new Adams County Local Court rules

Counsel,

I am in the process of revising our local court rules. I welcome your input. Please submit all comments to me in writing by April 8, 2024, the close of the comment period. Thank you.

Sincerely,

K. Peter Palubicki
Adams County Superior Court Judge
210 W Broadway
Ritzville, WA 99169
Phone (509) 659-3272

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External:Submission of Comments on Superior Court Local Rules by Northwest Justice Project

Coco Holbrook <coco.holbrook@nwjustice.org>

Fri 4/5/2024 9:28 AM

To:Peter Palubicki <peterp@co.adams.wa.us>

Cc:Patrick Pleas <PatrickP@nwjustice.org>;Rigo Garcia <rigo.garcia@nwjustice.org>

 2 attachments (742 KB)

April 2024 NJP Comments on Adam County Superior Court Local Rules.pdf; April 2024 Cover Letter for NJP Comments.pdf;

Dear Honorable Judge Palubicki and Local Rules Committee:

The Northwest Justice Project (NJP) submits comments for consideration. Attached is a cover letter and our comments on the proposed Superior Court Local Rules for Adams County.

Thank you for your consideration.

Sincerely,

Coco

Coco Holbrook | Staff Attorney

They/she

Northwest Justice Project

300 Okanogan Ave., Suite 3A

Wenatchee, WA 98801

(509) 404-9246

NJP's CLEAR Hotline is 1-888-201-1014 (calls accepted M-F 9:15 am to 12:15 pm)

Self help materials are also available at WashingtonLawHelp.org.

<https://nwjustice.org/home>

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César E. Torres
Executive Director

April 5, 2024

SUBMITTED VIA EMAIL

Hon. K. Peter Palubicki
Local Rules Committee
Adams County Superior Court
peterp@co.adams.wa.us

RE: NJP's Comments on the 2024 Adams County Superior Court Proposed Local Rules Due April 8, 2024

Dear Local Rules Committee:

Thank you for sending the proposed revisions for Adams Co. Superior Court Local Rules to the Grant County Bar Association. The Northwest Justice Project submits the attached comments for your consideration.

NJP provides free legal assistance to low-income individuals, families, and communities across Washington. NJP's mission is combating injustice, strengthening communities, and protecting human dignity; to learn more visit <https://nwjustice.org/about>. Our Wenatchee office, including our satellite offices in Quincy and Omak, serves low-income individuals in Adams County. When commenting we considered our own practice in Adams County as well as the practice of pro se litigants advocating for themselves, usually with little understanding of the legal system.

Thank you for your consideration. Please contact us if the committee has questions or would like to discuss our comments. You can reach out to Rigo or Coco at the below contact information.

Thank you,

Rigo Garcia

Rigo Garcia, Staff Attorney
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(509) 381-2361

Coco Holbrook

Coco Holbrook, Staff Attorney
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509-404-9246

Patrick Pleas

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NJP Comments on Proposed Superior Court Local Rules For Adams County	
Rule	Comment
Rule 1 B (1). Telephonic/ Virtual Appearances	<p>We suggest adding a standard or otherwise indicate the factors the Court would like to see when a party requests a phone/virtual appearance. We suggest the standard as allowing virtual/phone appearances unless good cause to deny.</p> <p>Already, a remote hearing is a statutory right in certain proceedings absent good cause (e.g. Protection Orders RCW 7.105.205) adapting this standard for all requests promotes access and reduces administrative time.</p> <p>The change would better ensure the Court has all the information it needs to make its determination.</p> <p>Decisions based in a clear standard or factors will promote equity and uniform process.</p> <p>Remote access is important. It provides more representation options for litigants lacking reliable transportation. It may also reduce attorney travel time, potentially making representation more affordable.</p>
Rule 1 C. Civil Motion Docket	<p>The language at the end of the paragraph: "Hearings requiring more than 30 minutes shall be scheduled in the same manner as trials", is confusing. We suggest changing this portion of the sentence to "...shall be special set."</p> <p>Using the phrase 'special set' elsewhere but not in this section implies that hearings requiring more than 30 minutes should be calendar in the manner outlined in the Civil Trials section at H.</p>



	<p>The Civil Trials section lists two methods: 1. Set a case for trial setting or 2. Special set.</p> <p>It seems unlikely the court would want hearings longer than 30 minutes to be set for trial setting, but not explicitly stating the special set procedure shall be used adds doubt to the Court's preferred method.</p>
Rule 1 G. Ex Parte Matters	<p>We encourage the Local Rules Committee to delete the sentence: "Personal appearance is required if the party requests an ex parte order seeking to restrain another party from the family home or contact with the other party or children."</p> <p>We encourage deleting this sentence in the same vein of our comments on making the Court as remotely accessible as possible. It saves time, money, and makes the court the most accessible to litigants.</p>
Rule 1 G. Ex Parte Matters	<p>We suggest eliminating the sentence "Unless notice is specifically excluded by statute, no ex parte order shall be presented without notice to opposing counsel or opposing party without counsel." This provision seems contrary to the principals of ex parte motion practice.</p> <p>The purpose of moving ex parte for an order is so opposing counsel or opposing party without counsel is not notified. WA Sup Ct. R 5(a).</p> <p>An ex parte matter is typically for an issue that requires more speed and discretion. Statute informs us as to which matters can be brought ex parte.</p> <p>If a matter is improperly brought ex parte then the Court has methods to respond, reject the motion or deny as improper.</p> <p>Litigants do not need the ex parte process to quickly bring the Court's attention to a matter, the rules allow for a motion to shorten time.</p>



	<p>Requiring notice to the opposing party for an ex parte matter effectively eliminates a valuable litigation tool when the statute allows for such motions.</p>
<p>Rule 1 H. Civil Trials</p>	<p>We suggest eliminating the special set option for trial. Special set is typically a different procedure then noting for trial setting, it is unclear and unhelpful to have both options.</p>
<p>Rule 1 H. Civil Trials</p>	<p>Please clarify what “pleadings are closed” means for pro se litigants or find alternate wording. Alternate phrasing could be: When a civil case is ready for trial, note the case for trial setting on the motion docket.</p> <p>If the Committee envisions that noting a case for trial on the motion docket would be submitting the “Note for Trial” [Appendix LR-1F in current rules] form to the clerk’s office, then stating that in the rule would be helpful to pro se litigants.</p>
<p>Rule 1 K. Interpreters</p>	<p>We recommend replacing the proposed rule with the following:</p> <p>Interpreters are provided, free of charge, consistent with RCW 2.42 and RCW 2.43. Except for emergency or ex-parte matters, parties requiring interpreter services shall provide the court administrator with as much notice as possible, but not less than twenty-four-hour notice, of the need for an interpreter.</p> <p>We recommend reframing the rule to focus on compliance with RCW 2.42 and RCW 2.43 and ensuring litigants feel welcome asking for an interpreter.</p> <p>Courts charging litigants for an interpreter is a violation of Title VI of the Civil Rights Act and the 14th Amendment of the United States Constitution. The Washington Administrative Office of the Courts has instructed courts of the requirement to provide all interpreter services free of charge.</p>



	<p>Removing the suggested language simply reduces the proposed rule to what is legally true. It simply states the requirement and avoids all confusion a litigant, especially a pro se litigant, may have about whether they are entitled by law to an interpreter at public expense.</p> <p>Finally, while we understand the need for advance notice of the need for an interpreter, there are situations where parties need immediate access to relief from the court, such as emergency orders, and courts should be prepared to provide interpreter services for these instances. Services such as remote and telephonic interpreter services are one way courts generally handle unscheduled court interpreter needs. We also added in the phrase, "as much notice as possible," to encourage parties to give more than twenty-four-hour notice, where possible.</p> <p>It's often the case that when a case is initiated, the court should be identifying if a party is limited English proficient or Deaf and in need of interpreter services. Once notified of the status of a party as LEP or Deaf, the court should have a mechanism to track that information for all hearings related to the legal proceeding. Parties should not need to request an interpreter for every court event pertaining to a legal matter after the court has been notified of the need for an interpreter.</p>
Rule 3 A. Automatic Mutual Temporary Order	The automatic mutual temporary order section is a welcome addition to the local rules.
Rule 3 D. Affidavits and Declarations	<p>We suggest adding "Each" at the beginning of the first two sentences to clearly state that the 5 page limit applies to every affidavit or declaration for a motion.</p> <p>If we misunderstood and the Local Rules Committee intended for 5 pages to be the cumulative maximum for all declarations or affidavits submitted in support of or response to a motion</p>



	<p>then we suggest the committee reconsider the page limit for initial and responsive affidavits and declarations.</p> <p>5 pages double-spaced is not enough space for a Domestic Violence Survivor to detail relevant experiences. It is not long enough for a tenant to detail each instance a violation of their tenant rights occurred.</p>
<p>Rule 5. Pleadings/Motion</p>	<p>It is confusing whether these rules apply to the Domestic Relations docket as well as every other civil matter. We suggest explicitly stating before section A: This rule applies to all civil matters, including the domestic relations docket.</p>
<p>Rule 5 A. Time for Filing</p>	<p>We suggest changing "submitted to" into "considered by" in the last sentence. So it would read: 'No documents shall be considered by the Court unless opposing counsel or the self-represented litigants have been timely provided with copies.'</p> <p>It is a common practice amongst litigants to file paperwork and simultaneously or shortly afterwards serve the documents to the opposing party. The freedom to serve the documents after filing is important to preserve strategy and sometimes necessary when opposing parties are difficult to locate.</p> <p>The suggested changes still explicitly provide litigants notice that the documents must be heard or the court will likely deny the motion, but also clearly allows for the common practical practice of service after filing.</p>
<p>Rule 5 G. Length</p>	<p>We appreciate the Committee increasing the page limit to 15.</p> <p>We encourage the Committee to edit the rule to apply to monolingual pleadings and allow bilingual pleadings to exceed the page limit.</p> <p>In our experience, pleadings such as parenting plans that are simultaneously in English and Spanish may exceed 15 pages due to the duplication.</p>



Rule 5 H. Pro Se Pleadings	We suggest changing "typewritten" to "typed" for clarity and to mirror the language in section F. Pleadings.
Rule 5 H. Pro Se Pleadings	We suggest listing the minimum formatting requirements so pro se litigants easily have them. In the event the Committee disregards our suggestion, a link to GR 14 should be hyperlinked and provided so pro se litigants can locate it.
Rule 6 A. Motion for Reconsideration, Time for Motion, Contents of Motion	Requiring "hand delivery" of a motion for reconsideration and supporting pleadings is unnecessary and prohibitive to pro se litigants and attorneys. We suggest changing the sentence to: A motion and all supporting pleadings shall be served to the Court by providing the necessary documents to the office of the Superior Court Administrator by hand delivery or mail.