

LSPR 94.03E TRIALS

(a) Trial Date Priorities. Cases involving the relocation of children, juvenile offenders, determination of dependency, or termination of parental rights where children are not in the care of a parent shall be accorded the highest priority in setting a trial date.

(b) Assignment for Trial.

(1) In cases where a settlement conference is required, a trial date shall be set by the court at the same time a settlement conference is requested.

(2) In cases where a settlement conference is not required, a party or counsel may schedule the matter for trial setting by filing a *Request to Schedule Settlement Conference & Trial Setting* and set the matter on the administrative calendar for Settlement Conference and Trial Setting. This form should be filed no later than 14 days before the time for hearing on the calendar and should indicate the nature of the case, the number of expected factual witnesses, the number of expert witnesses, the expected length of trial, and unavailable dates. The responding party may file a response to this request not less than 7 days prior to the hearing, providing similar information for that party's case.

(3) If a party objects to the settlement conference and/or trial setting, the matter shall be referred to a judge for determination of whether the case is ready for settlement conference and trial setting. The objection shall be filed not later than 3 days before the date noted on the Notice. If the judge determines the matter is ready for settlement conference and trial, the case will be referred back to the case scheduler for further setting. If the judge determines the matter is not ready, the judge may enter an order determining when the case shall be ready for settlement conference and trial setting.

(4) Cases set for trial will be assigned to a week. No specific starting date will be assigned, except early assignment of a judge may be ordered in appropriate cases under LSPR 94.03A. At the trial confirmation hearing, the court will determine a priority order for all cases set for that week. In limited circumstances, a party may move for a date specific trial prior to scheduling the matter for settlement conference and trial setting.

(c) Trial confirmation. Each case proceeding to trial will have a trial confirmation hearing on the Thursday 11 days before the week of trial. If that day is a legal holiday, the hearing will be held on the Tuesday or Wednesday prior.

(d) Continuances. A case shall proceed to trial or be dismissed when it is called for trial, unless a continuance is ordered by the court.

(1) *Form of the Motion.* A Motion for Continuance of Trial should be filed, served and heard by a judge before the trial confirmation hearing. A Motion for Continuance

must (i) contain written acknowledgment of the motion by the client, and (ii) be accompanied by a declaration giving the specific reasons necessitating a continuance.

(2) *Conditions of Order for Continuance.* A continuance will be ordered only for good cause. The court may impose terms upon a party or counsel who is not prepared for trial. Any case that is continued will be immediately referred to the case scheduler for a new trial date.

(e) Trial Briefs and Required Information. In all dissolution and legal separation trials where property or liabilities are at issue, each party shall submit a proposed division of assets and liabilities. In any family law matter where child support, maintenance, attorney fees, or costs are at issue, each party shall prepare a current Financial Declaration (Washington Pattern Form FL All Family 131), attaching, if necessary, the materials the pleadings identified in LSPR 94.03B(b)(4) regarding motion practice (LSPR 94.03B). If child support is at issue, each party shall prepare the Washington State Child Support Worksheets. In any family law matter where a parenting plan is at issue, each party shall prepare a proposed Parenting Plan (Washington Pattern Form FL All Family 140). These proposals as well as a trial brief shall be filed with the clerk, submitted as a judge's copy to court administration, and served on opposing counsel or self-represented party by 12:00 p.m., 2 court days prior to the week of trial.

(f) Exhibits. Originals should be provided to the clerk, a copy provided to all parties, and a judge's copy provided to court administration by 12:00 p.m., 2 court days prior to the week of trial. Each party shall provide opposing parties an opportunity to review all exhibits to be offered. All parties shall review exhibits to determine which may be admitted by stipulation. The parties shall submit trial exhibits under the procedures in LCR 79.

(g) Witness List. Each party should submit a witness list that contains the estimated time for testimony, topic of testimony, and contact information for each witness. The witness list should be filed and a copy provided to all parties no later than 12:00 p.m., 1 court day after the Settlement Conference. Parties shall use the court's Witness List form.

(h) Proposed Final Orders. Each party to a family law trial shall provide proposed Findings of Fact and Conclusions of Law and proposed Decrees, as found in the Washington Pattern Forms, to be used as trial exhibits. In proceedings involving children, each party shall provide, by 12:00 p.m., 2 court days prior to the week of trial, a proposed Parenting Plan (Washington Pattern Form FL All Family 140), a proposed Child Support Order (Washington Pattern Form FL All Family 130), and Child Support Worksheets (Washington Pattern Form WSCSS – Worksheets) for use as trial exhibits.

(i) Attorney Fees and Costs. In considering a request for an award of attorney fees and costs at trial, based on bad faith or intransigence, the court may consider settlement proposals that have been communicated in writing before trial. However,

these settlement proposals shall not be submitted to the court or referred to in argument until a ruling on all other issues has been rendered.

[Adopted effective September 1, 2010; Amended effective September 1, 2011; September 1, 2019; September 1, 2022; September 1, 2023.]