King County
Superior Court

King County Superior Court

Civil Department Manual

Version 1.6
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Revisions to the Civil Department Manual:

- Minor changes to the Civil Manual (e.g. spelling, grammar, primary sources added, links updated, etc.) will be made at the discretion of Court Operations.
- Chief Civil Judge approval: The Chief Civil Judge shall determine if immediate revisions to the Civil Department Manual are required.
- Executive Committee: The Chief Civil Judge shall determine if revisions to the Civil Department Manual must be brought to the Executive Committee for approval.

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1 Introduction

The purpose of this manual is to describe current procedures in civil cases (including UFC cases to the extent applicable). The manual provides a general overview and is not a substitute for policies, procedures, court rules, court orders, case law, and statutes that are detailed elsewhere.

Since 1996, King County Superior Court has had an Individual Calendaring (IC) system for most civil cases. At filing, the clerk automatically assigns the case to an individual assigned judge and issues a case schedule and trial date. The case schedules differ by case type, with standard civil cases having a 12month case schedule, and family law (under 12 months) and de novo trials (4 months) having some of the shortest.

All trial courts are assigned a civil caseload with the exception of the Chief Criminal, Chief MRJC, Chief UFC, Chief Juvenile, Juvenile Judges, ITA Judge, and the UFC Judges. The assigned judge is responsible for managing the case (including hearing all motions) through resolution; criminal department judges will ordinarily not try civil cases except by permission from their chief judge. Non-assigned cases are either heard in the Ex Parte and Probate Department or are sent to the Chief Civil Judge or the Chief MRJC Judge for either resolution or for assignment to an IC judge.

The key aspects of the IC system of case management are:

- Court control of critical events and trial dates;
- Case schedules that establish and order intermediate case progress events;
- Differentiated case management so that complex cases can receive longer case schedules;
- Tight court control of continuances;
- Consistency in handling cases so that one judge issues all rulings in a case and counsel knows early on who their judge is; and
- Trial date certainty to the extent practical

The governing principles are:

- The court, not the parties, manages the schedule;
- A problem spotted early on is a problem that can be solved;
- Trial date certainty produces settlement, and multiple and/or lengthy continuances are discouraged absent specific circumstances that warrant them;
- Consistency of judicial rulings produce settlement;
- Most cases benefit from ADR; and
- Failure to adhere to these principles creates case backlogs, increased litigation fees and denial of timely justice.

This Civil Department Manual was approved by the Executive Committee on November 3, 2009.

2 Help and Contact Information

KC SCRIPT and KCMS are King County Superior Court's Case Management Systems (CMS).

KC Script is the official court record and is available to the public.

KCMS is the court's internal case management system and is available to judicial officers and court staff.

For questions, corrections, or problems with KC Script and its e-Filing component please e-mail: KCScript.Info@kingcounty.gov

You may also contact the Clerk's Office management team:
Danielle.anderson@kingcounty.gov
Stephanie.Keating@kingcounty.gov
Gina.Saucier@kingcounty.gov
David.smith@kingcounty.gov

Superior Court Local Rules

Superior Court Clerk (Department of Judicial Administration)

Washington State Court Rules: Superior Court Civil Rules

3 Definitions, Acronyms & Abbreviations

There are several terms that are unique to civil case management. The following sections provide definitions for commonly used terms, acronyms, and abbreviations.

3.1 Definitions

Below are definitions for commonly used terms:

Arbitration
The hearing and settlement of a dispute between opposing parties by a private third party whose decision the parties have agreed to accept. The decision may be binding pursuant to the contract.

Assigned Judge (I.C. Judge)
The judge who presides over cases assigned to them by the clerk at the time of filing, and who conducts trials, motions, and conferences, or otherwise manages the cases assigned to them. The term now used is Assigned Judge. Civil cases are assigned at time of filing to judges in both the civil and criminal departments.

Caseflow and Scheduling Committee LCMR 6(a)(10)
A committee facilitated by the Chief Administrative Officer that governs policy decisions related to case flow in all areas of the Court. Standing committee members include the Presiding Judge, the Chief Civil Judge, the Chief Criminal judge, the Chief MRJC Judge, the Chief UFC Judge, the Chief Juvenile Judge, the Chief Administrative Officer, and the Director of Judicial Administration. Case Schedule changes are approved by this committee as are rule changes that may have impact on case flow.

Chief Civil Judge
The Chief Civil Judge is appointed by the Presiding Judge to manage the Civil Department of the Court. The Chief Civil Judge presides over trial assignments, facilitates the Civil Department monthly meetings, and sets policy and procedures for the effective running of the Civil Department.

Ex Parte
A proceeding brought for the benefit of one party only, without notice to or challenge by an adverse party.

Ex Parte and Probate Department
The Superior Court department which hears ex parte and probate proceedings, as well as a variety of short matters, such as unlawful detainer actions, guardianship, and probate cases. For a fuller description of the Ex Parte and Probate Department, see LCR 40 and 40.1.

Ex Parte Via the Clerk
Superior Court rules require certain ex parte and probate matters to be presented through the Clerk's Office, without oral argument. Matters that only assigned judges may decide will remain with the assigned judge. Please see section 8 (Ex Parte and Probate Department) for details. LCR 40.1

Family Law Facilitator Program
The Family Law Facilitator Program at King County Superior Court provides information, limited assistance, and referrals to family law litigants who are not represented by attorneys.

Civil Arbitration
A court program that mandates the hearing and settlement of a dispute involving a money judgment of $100,000 or less, pursuant to RCW 7.06. See Superior Court Civil Arbitration Rules (SCCAR); Local Civil Arbitration Rules (LCAR)

Mandatory Joint Trial Readiness
The mandatory form outlining trial readiness.

Pretrial Conference
A conference held before trial at which the judge and parties discuss the readiness of the case for trial and the court's trial procedures. CR 16 and LCR 16

Stay
Halting a judicial proceeding by court order. Any court that orders a stay must set a review date or require the submission of a written status report on a specific date in the future.

Trial Assignments
The process by which cases are assigned for trial. Trial Assignment occurs on Thursday for trials scheduled for the following Monday. The trial assignments process includes finding a trial judge for trials for civil cases assigned to criminal judges, dependency and termination trials not able to be handled by the Dependency Judge, and any trials not able to be heard by the assigned judge. See section 16 (Trial Assignments).

Trial Assignments Coordinator
The court staff person who assists in the trial assignments process and oversees the distribution of certain trials to other court departments.

Trial De Novo
A trial de novo is a completely new trial held in Superior Court as if the original trial in the court of limited jurisdiction had never taken place.

UFC Civil Case Specialist
UFC Civil Case Specialists maintain Unified Family Court's civil case management and assist in assigning trials.

3.2 Acronyms & Abbreviations

This table below contains acronyms and abbreviations commonly used in civil case management.

Civil Case Acronyms & Abbreviations	Meaning
ACS	Amended Case Schedule
ADR	Alternative Dispute Resolution
CCS	Civil Case Specialist
CJ	Confirmation of Joinder
DJA	Department of Judicial Administration
ERCM	Early Resolution Case Manager
FCS	Family Court Services
FTR	For The Record (Clerk's audio recording program)
IC	Individual Calendar
JSR	Joint Status Report
KCMS	King County Civil Case Management System
KC Script	King County Superior Court's records portal
LCR	Local Civil Rule
MRJC	Maleng Regional Justice Center
PJ	Presiding Judge
SCCAR	Superior Court Civil Arbitration Rules

4 Workload Protocol & Policies

The Workload Protocol and Priorities was approved by the Superior Court Judges' Executive Committee in November 2009 and updated in 2021.

Adherence to the Workload Protocol is instrumental in ensuring the efficient use of court and judicial resources.

Reference Document: Workload Protocol and Policies (Internal KCSC link only)

5 Summary of Duties

5.1 Bailiff Duties

See the Bailiff Manual (internal KCSC link only) for guidelines in handling civil matters.

5.2 Court Clerk Duties

The courtroom clerk is a Clerk's Office employee that must be present for all court proceedings. The clerk is responsible for taking minutes of all proceedings on the record, exhibit management, and runs the FTR recording equipment.

5.3 Civil Case Scheduling Technician (Trial Assignment Coordinator) Duties

The Trial Assignment Coordinator duties include:

- Prepares a list of ready civil standby cases to be reassigned at the weekly Trial Assignments meeting.
- Notifies courts of case reassignments following the Trial Assignments meeting.
- Updates the Civil Trial Assignments list on the Superior Court's webpage.
- Responds to phone calls and e-mails from bailiffs, clerks, attorneys, and judges regarding standby trials.
- Communicates with Chief Judges and department staff about trial assignment priorities.
- Fields questions from bailiffs and staff about the trial assignment process.
- Updates trial assignments in KCMS after trials have been assigned.
- Assists other departments in finding judges to cover calendars.
- Communicates with Juvenile Court about juvenile trials that require assignment to available civil judges.
- Otherwise facilitates the flow of civil cases to trial.

ITA staff are responsible for the following:

- Finds pro tem coverage for the Harborview Mental Health Calendar.
- Assigns ITA revision motions to available judges.
- Sends ITA trials ready for assignment to Trial Assignment Coordinator.

6 Order Setting Case Schedule

6.1 Original Case Schedule

The original case schedules are produced, issued and maintained by the Clerk's Office. The Clerk's Office currently issues numerous types of case schedules with court-approved deadlines and specified lengths. The format of a case schedule is contained in LCR 4.

The original case schedule includes an attachment entitled "Order on Assignment" that gives parties more information on setting hearings and completing LCR 16 requirements.

Reference Document: Case Schedule Handbook (internal KCSC link only)

6.2 Order on Assignment

There are two kinds of Orders on Assignment. One is for domestic relations cases with children and the other is for all other cases assigned a case schedule. These orders provide detailed instructions regarding case management deadlines and court requirements for trial.

A Case Schedule is issued at filing for the vast majority of cases filed. For each case assigned a case schedule, an Order on Assignment is also issued at the time of filing. This order generally describes the case schedule events and responsibilities of the parties in civil cases, including how to set motions.

It is the responsibility of the plaintiff/petitioner to serve this Order, along with the Case Schedule, on other parties in the case. A judge is randomly assigned by the clerk at time of filing and issuance of the Case Schedule.

6.3 Amended Case Schedule

After the issuance of the initial case schedule, the assigned judge (not the Clerk's Office) takes control of any changes, amendments, or revisions to the deadline events.

Any change to the trial date after the initial schedule has been issued requires that an amended case schedule be issued. The amended case schedule is generated by the assigned judge's court pursuant to LCR 4(d); The Judge, bailiff, or court coordinator generate and attach an amended case schedule to each order of continuance.

While some parties include an amended case schedule with their order it is up to the individual court to ensure the amended case schedule comports with the deadlines required to proceed to trial, especially if the trial is likely to be placed on standby.

The Department of Judicial Administration has produced a Case Schedule Handbook for the court's use which includes a sample of all the case schedules issued for the court.

7 Caseflow Monitoring

7.1 Confirmation of Joinder

For cases that follow the Civil Case Schedule, plaintiff/petitioner(s) are required to file a document informing the court of the status of the case. This document may be the Confirmation of Joinder or Statement of Arbitrability, or in domestic cases, the Confirmation of Issues. See LCR 4.2.

The Arbitration Department will verify that the case is ready for mandatory arbitration and the filing fee has been received.

Individual courts will verify whether the parties have complied with the Case Schedule deadlines and may issue a Non-Compliance Order or Notice of Intent to Dismiss, if the parties do not timely file these documents.

The Clerk's Office will administratively dismiss any cases where the trial date has passed and there is dismissal, final orders, and/or judgment in the court record. LCR 41.

7.2 Show Cause Hearing

Individual judges may set show cause hearings at their discretion.

7.3 Family Law Status Conference/Non-compliance Calendar

In family law cases, the petitioner is required to file a confirmation of issues signed by all parties within 117 days of filing the action. The parties shall also alert the court as to whether there are parenting plan issues.

If no document is filed or if there are issues, a status conference may be set before the Chief UFC judge. Pro se parties may refer to the Facilitator's Office for forms and limited assistance. Family law facilitators may not give legal advice. If one or more of the parties fails to appear at the status conference, the court may set a non-compliance hearing.

8 Ex Parte and Probate Department

The Ex Parte and Probate Department was established to hear and decide a wide variety of legal matters in a prompt, convenient, and a relatively informal manner. It is staffed by constitutional court commissioners, courtroom clerks, and a Judicial Technician/Court Coordinator.

The court coordinator is responsible for administrative duties. The court commissioners do not specialize, but instead hear all matters assigned to the department.

Adoptions, probates, guardianships, unlawful detainers, and temporary civil/family restraining orders are the types of matters normally presented in the Ex Parte and Probate Department.

Certain Family Law matters may be brought to the Ex Parte and Probate Department, and the remainder are heard on Family Law calendars. Please see LCR 40.1 for matters normally presented in the Ex Parte / Probate Department.

The Ex Parte and Probate Department is open from ***9:00 am to 12:00 noon*** and from ***1:30 pm to 4:15 pm*** every day, although hours when specific motions are heard vary (for schedule see the Ex Parte and Probate web page).

Each hearing should not take more than ten (10) minutes. If a hearing is expected to last longer than 10 minutes, the commissioner may either continue it or certify the matter for trial before a judge.

8.1 Ex Parte via the Clerk

The King County Superior Court Ex Parte and Probate Department has adopted policies and procedures for the presentation of ex parte matters. Only certain matters (orders) may be presented at an in-person/remote hearing and the remaining matters (orders) must be submitted to the Clerk's Office for presentation. A process known as "Ex Parte via the Clerk."

Pursuant to LGR 30, attorneys are mandated to electronically file (e-file) documents using the Clerk's online eFiling application. This mandate includes Ex Parte via the Clerk submissions. The court is now processing most Ex Parte via the Clerk submissions electronically, including digitally signing orders.

The Ex Parte Department has compiled a list (Ex Parte Master List) of all matters to be presented to Ex Parte for consideration. Within this list, The Department has indicated which matters may be heard in person or remotely, with oral argument, and which items are to be submitted through the Clerk's Office. The Clerk's office has created The Ex Parte and Probate Department Presentation of Motions and Hearings Manual (Motions and Hearings Manual) to provide further clarifications of certain matters on the master list. See LCR 40.1

Both the master list and the manual can be found online here: https://kingcounty.gov/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/ex-parte-via-the-clerk

9 Civil Arbitration

Civil Arbitration, pursuant to RCW 7.06, applies to cases where "the sole relief sought is a money judgment, and where no party asserts a claim in excess of fifteen thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to one hundred thousand dollars, exclusive of interest and costs…" (RCW 7.06.020(1)) except by written stipulation of parties authorizing the arbitrator to award any relief in any amount (SCCAR 8.1(b) and LCAR 8.1). Cases may not be bifurcated.

Plaintiff or defendant may move cases into arbitration by filing a Statement of Arbitrability and paying the arbitration filing fee before the case schedule deadline, as long as all parties have been joined and all pleadings have been filed.

After the case schedule deadline for filing a Statement of Arbitrability has passed, parties must obtain an order from the assigned judge transferring the case to arbitration. **The order is not effective until the filing fee is paid.**

Once a case has been assigned to an arbitrator, all motions in that case are heard by the arbitrator with the following exceptions:

- Dispositive motions such as motions for summary judgment and involuntary dismissal motions.
- Motions challenging arbitrability or venue.
- Motions to amend a pleading to add or change a party.
- Motions to return a case to the trial calendar.
- Motions regarding the qualifications of an arbitrator.

Motions amending a complaint to add or change a party should contain language removing the case from arbitration **until** the party has been joined and has answered. Orders removing a case from arbitration should also contain language that reinstates the Case Schedule. In the alternative, parties may petition the assigned judge or the Chief Civil/MRJC department if there is no assigned judge, for an Amended Case Schedule. The case may be returned to arbitration after the filing of an Amended Complaint by order of the assigned judge. A new fee does not have to be paid.

An aggrieved party may file a Request for Trial de Novo provided they have participated at the hearing, filed the request timely, and paid the required fee. The Clerk will issue an accelerated (120 days) case schedule. ADR is required in all de novo trials. LCAR 7.1(c). A case coming back from arbitration as a Trial de Novo shall be reassigned to the same judge if that judge still carries a civil case load.

10 Motions

Motions not subject to presentation in the Ex Parte & Probate Department are presumptively handled by the assigned judge. These include non-dispositive motions noted under LCR 7 and dispositive motions under CR 12 and CR 56.

Civil motions on unassigned cases are either presented in the Ex Parte & Probate Department or to the Chief Civil Judge or the Chief MRJC Judge. Post-judgment collection matters and supplemental proceedings are handled by either the Chief Civil Judge or the Chief MRJC Judge.

10.1 Motions with Oral Argument

Timelines for motions with oral argument:

Motion	Summary	Rule
Summary Judgment	• Motion must be filed 28 days before hearing • Hearing date must be fourteen days before trial • Response is due eleven days before hearing. • Reply is due 5 days before hearing	CR 56 LCR 56
Temporary Restraining Order (TRO) and Preliminary Injunction	• Moving party contacts bailiff for preliminary injunction hearing date and then requests a TRO in the Ex Parte and Probate Department • A TRO is generally valid for fourteen days except as the Court might otherwise authorize	CR 65 LCR 65

Motion	Summary	Rule
Orders to Show Cause and Return Hearing Dates	• Generally, where the return on order to show cause is before an assigned judge, the moving party shall obtain a date for the return hearing from the assigned judge's bailiff and submit the motion without notice or oral argument to the judge for review and signature • For Civil and Family Law cases before a Commissioner, show cause orders are obtained through the Ex Parte Department • Examples of show cause orders requiring return dates (return date may or may not be before assigned judge) include those for: ○ prejudgment writs of attachment ○ setting aside default judgments ○ contempt hearings	LCR 7(b)(9) LCR 40(b); RCW 6.25 LFLR 5 LFLR 17 RCW 7.21
Revision of Commissioner's Ruling	• Motions for revision must be filed and served within ten days of entry of written order with the assigned judge or, if unassigned, with the Chief Civil Judge in Seattle, the Chief Judge in Kent, or the Chief UFC Judge who will assign a judge to hear the matter • Moving party is responsible for contacting the court to obtain hearing date and time • Hearing date must be within 21 days of date commissioner's order is entered unless ordered otherwise. • Working copies of the motion, notice for hearing, and all materials considered by commissioner should be submitted to the reviewing court pursuant to LCR 7(b)(4)(F) • Oral argument on a motion for revision is limited to ten minutes per side.	LCR 7(b)(8); RCW 2.24.050

10.2 Motions Without Oral Argument

Most motions heard before the assigned judge without oral argument are governed by LCR 7.

Motions heard by the assigned judge:

- Motions for default and default judgment, unless required to be presented in the Ex Parte & Probate Department
- Discovery motions
- Motions for protective order (usually in connection with discovery)
- Motions to continue trial date (LCR 40(e))
- Motions to amend case schedule
- Motions to set aside a default or dismissal following show cause order obtained in Ex Parte and Probate Department
- Motions to transfer a case into or out of arbitration
- Motions to reconsider. No motion for reconsideration will be granted without a response; a response shall be filed only when requested by the Court
- Motions for reconsideration of a final order terminating a dispute (LCR 59 and CR 59)
- Motions for reconsideration of any other intervening matter (LCR 7(b)(6))
- Motions to seal documents in the case

See also LCR 40 for additional motions.

Route to Chief Civil or Chief MRJC Judge:

- Motions to transfer a case into or out of arbitration ONLY if trial date has passed.
- Motions to consolidate cases assigned to different judges
- Motions to change case assignment area
- Motions to assign a judge
- Interpleader actions
- Motions to conceal the name of one or more party/use of initials

Requests for oral argument should be directed to the assigned judge (LCR 7).

11 Case Reassignments

There are several ways a case may be re-assigned from one court to another. Most often, the assigned judge will either recuse or sign a Notice of Disqualification of Judge.

Once an initiating reassignment order is entered, the court will route the order to the parties in the case and the Chief Civil Judge in Seattle or the Chief MRJC Judge in Kent for reassignment, based on the case designation.

The Chief Civil or Chief MRJC Judge's bailiff will file and issue an order of reassignment, and route to the parties, previously assigned judge and the newly assigned judge.

Any pending motion without oral argument originally noted or before the previously assigned judge will be routed to the newly assigned judge from the previously assigned judge's department. Parties should confirm that the newly assigned judge received the materials.

Any pending motion with oral argument must be rescheduled with the newly assigned judge and a new note for motion filed.

Parties are to submit all subsequent motions and filings as working copies to the newly assigned judge.

11.1 Recusal/Conflict Checks

Bailiffs and court coordinators complete conflicts checks regarding party names and/or counsel of record from available information for cases involving their judge or commissioner.

If a judge recuses from a case, that court must prepare and sign a recusal order, and the bailiff must send the recusal order to the Chief Civil or Chief MRJC Judge so that the case can be reassigned.

11.2 Notice of Disqualification of Judge

Parties should file, serve and bring to the attention of the assigned judge's bailiff any notice of disqualification. See RCW 4.12.050. Upon the signing and entry of a Notice of Disqualification of Judge by the disqualified judge granting the disqualification, the bailiff will transmit a copy of the order to the bailiff of the Chief Civil or Chief MRJC judge and the parties for reassignment.

11.3 Changing Case Designation (SEA to KNT, KNT to SEA)

Please see LCR 82.

11.4 Judicial Rotation

When judges rotate between locations or department assignments (typically in January), civil caseloads that have trial dates beyond the date of the rotation will be re-assigned. See Section 18 for more information.

11.5 Post Resolution Issues

If a dismissal or judgment is vacated and the last assigned trial date has not passed, the case will be reopened and the case scheduling order and trial date currently on file will be reinstated.

The court may move the trial date by issuing an amended case schedule with a new trial date. If the trial date has passed, the court should set a new trial date and issue an amended case schedule.

Collection issue hearings and supplemental proceedings on default judgments should be set with the Chief Civil or Chief MRJC judge, not the formerly assigned judge.

12 Consolidation of Cases

Motions to consolidate cases should be made to the Chief Civil Judge or the Chief MRJC Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion. LCR 42.

If the motion is to consolidate two or more cases that are assigned to the same judge, the assigned judge shall consider the motion.

If the motion is to consolidate a KNT case with a SEA case under a Seattle case designation, then the Seattle Chief Civil Judge shall consider the motion. If the motion is to consolidate a KNT case with a SEA case under a Kent case designation, then the Kent Chief Civil Judge shall consider the motion.

Cases that are sealed cannot be consolidated into non-sealed cases.

Even if cases are not consolidated, on the Court's own motion or on motion of a party, cases that have some relationship can be assigned and/or re-assigned to the same judge.

13 Alternative Dispute Resolution (ADR)

Alternative Dispute Resolution is required by most case schedules pursuant to LCR 16(b). ADR should be completed prior to the case schedule deadline. There are several options for the parties to engage in ADR.

Any pro se family law matter (with or without children) can be referred to the Early Resolution Case Managers for mediation.

ADR deadlines are court ordered deadlines included in the case schedule and are not optional. ADR may be waived only by order upon motion to the assigned judge.

Below are three commonly used options to complete this mandatory requirement in nearly all civil cases.

13.1 Volunteer Settlement Conference Program

Experienced attorneys in family law serve as settlement masters on a no fee basis to do ADR. Interested parties/counsel may schedule an appointment by emailing, scvolunteersettlement@kingcounty.gov.

Space is available at both courthouses to conduct the settlement conferences, although more than half are conducted in other locations such as attorneys' offices.

This service is provided free of charge. More information can be found at: https://kingcounty.gov/en/court/superior-court/about-superior-court/judges-staff/judges/settlement-conferences.

13.2 Settlement Conferences Heard by Superior Court Judges

There are several King County Superior Court Judges who agree to hear settlement conferences in both civil and family law cases. The list is available on the website at https://kingcounty.gov/en/court/superior-court/about-superior-court/judges-staff/judges/settlement-conferences

13.3 Private ADR

To fulfill the ADR requirement, parties to a case may also engage in ADR with a number of private mediation, arbitration and settlement organizations, law firms, and/or attorneys.

14 Pretrial Management

Depending on the department's individual practice, pretrial case management may consist of the court's issuance of a non-compliance order or the scheduling of a pretrial conference.

14.1 Joint Confirmation Regarding Trial Readiness

The Joint Confirmation Regarding Trial Readiness is required by the case schedule and mandates that the parties shall confirm trial readiness. This may be required by a court either before or after a formal pretrial conference.

At the Pretrial Conference and when directed to complete a Joint Confirmation Regarding Trial Readiness, parties will generally address the following trial issues:

- Jury or non-jury
- Length of trial
- Experts
- Interpreters and language
- Possible scheduling conflicts with the parties, counsel, or if there are parties traveling from out of town
- Whether it will be a remote, hybrid, or in-person trial
- Mandatory deadlines for final motions, exhibit and witness list exchanges, and pleading submissions

The Joint Confirmation Regarding Trial Readiness must be completed by the parties and submitted to the court three weeks before trial or as required by the case scheduling order.

The original shall be filed with the Clerk's Office and a copy provided to the assigned court.

Note: If, after a pretrial conference order is entered, substantial changes in the representations made at the pretrial conference by the parties occur (e.g., trial length or availability), the Joint Confirmation Regarding Trial Readiness should be accompanied by notice of the changed circumstances and a request for a status conference with the court. Based on the representation in the Joint Confirmation the court may amend the pretrial order or require the parties to appear for a status conference to discuss last minute changes affecting the ability to proceed to trial.

The information on the Joint Confirmation Regarding Trial Readiness must be entered into KCMS if the assigned court is contemplating placing the trail on standby and reassignment to another judge.

A template Joint Confirmation Regarding Trial Readiness is available on the court's website:
https://cdn.kingcounty.gov/-/media/king-county/depts/superior-court/documents/forms/joint-confirm-trial-readiness.pdf?rev=67d45459de654aa6b302ea7b1e48ccb0&hash=55EFA643BBEFF841611F969FBF68BC5C

14.2 Pretrial Conferences

Pretrial conferences are scheduled by the court at the court's discretion and usually occur four to six weeks before the trial date. Approximately eight weeks before trial the assigned judge issues an Order Setting a Pretrial Conference. Parties' participation in a pretrial conference is mandatory in order to proceed to trial. LCR 4 and LCR 16.

The pretrial conference will generally be held by telephone or remotely using a video conferencing platform. The order setting the pretrial conference will specify the medium for the hearing and may include additional instructions for the parties, including a requirement to complete a Witness Time Estimate form.

In addition to the issues noted in Section 15.1 of this manual, the parties should be ready to discuss the following issues at a pretrial conference.

- Confirm the length and format of trial
- Inquire whether any attorney has conflicts with the trial dates
- Confirm that the parties have complied with mandatory ADR as required by their case schedule, and if not, why not
- Any special considerations or circumstances that impact the trial, including ADA accommodations and interpretation needs.

The bailiff may send a blank Order on Pretrial Conference in advance along with the Order Setting Pretrial Conference, and counsel can fill in their copies while conferring with the judge. Both orders may be generated by KCMS.

- Following the Pretrial Conference, details of the order shall be entered into KCMS. The original order shall be filed with the Clerk's Office and transmitted to the parties.

Note: Motions for continuance of the trial date are governed by the case schedule and should be made by the indicated deadline. Motions to continue should not wait for a pretrial conference.

15 Trial Assignments

When the assigned judge is not able to hear an assigned trial, the trial may be reassigned to another judge. This reassignment process is known as "Trial Assignments." This process may be also referred to as "standby" or "brokerage".

The trial assignment process requires the individual trial courts to communicate their availability to the Trial Assignment Coordinators (Coordinators) and to keep their cases updated in KCMS. Cases that the assigned court cannot hear must be placed on standby status in KCMS, provided all orders have been complied with.

Each week the Coordinators will produce a Trial Assignment Calendar that consists of all cases placed on standby. This calendar and the judicial availability submissions are the tools the Coordinators and the Chief Judges use to determine case assignments.

15.1 Judicial Availability

Each week the Coordinators will send an e-mail inquiring about each court's availability. Each court shall advise the Coordinators of the estimated completion date of the trial the court is currently hearing, any scheduled trials, and any scheduled leave.

Civil trials expected to last six days or longer shall be brought to the attention of the Coordinators and the Chief Civil Judge or Chief MRJC Judge as early as possible. This provides advance notice to the court of special accommodations and may allow early reassignment if the assigned judge is unavailable to hear the trial.

A Criminal Department judge may retain a civil case for trial pursuant to the procedure outlined in the Workload Protocol and Priorities.

15.2 Designated Coverage Judge

Judges with civil caseloads are responsible for finding designated judicial coverage for emergency matters and for appropriate motions without oral argument. If a judge is scheduled to be on leave anytime AND the bailiff will be unavailable to handle court matters, the bailiff must designate the coverage judge on the Six Week Availability Report. The Six Week Availability Report is sent to the bailiffs via e-mail every Monday along with the Bailiff Report. The Coordinators will route the designated coverage judge information to the chief judges.

15.3 Trial Readiness

Each court must update KCMS with all pertinent information as it is submitted to the court, whether it is via document, e-mail, or phone call.

Each week, bailiffs should review their scheduled trials for the upcoming two weeks and complete the following steps to ensure that KCMS is up to date:

- Review KC Script for any last-minute dismissals or settlement notices
- Contact parties/counsel about trial readiness
- Review and confirm the information on the Joint Confirmation and/or Pretrial Conference Order are substantially similar.

If a pretrial conference was not held and an order not entered, the case is not ready for reassignment and should not be placed on standby. Cases without a filed Order on Pretrial Conference are not ripe for reassignment.

If a case does not have an Order on Pretrial Conference entered or other impediments to re-assignment for trial exist, the court shall continue the trial date (LCR 40(e)(4)) and enter an order setting a pretrial conference or status conference to discuss deficiencies in trial preparation.

Civil Trial Preparation Checklist: Bailiffs use the Civil Trial Preparation Checklist to fill in all the necessary information in KCMS (including the trial readiness notes) for the Seattle and Kent trial assignment coordinators.

If case is ready to proceed and the Court will not be able to hear the trial, place the case on standby in KCMS.

A trial is not ready to be re-assigned if any of the following conditions exist:

- Attorneys want to bring a last-minute motion to continue (continuances should be heard by the assigned court)
- Attorneys have not complied with the ADR requirement (unless expressly excused in writing by the Court)
- Court has had no contact with the parties
- Court has been notified that the case is not ready for trial for other reasons
- An Order on Pretrial Conference has not been entered
- The Order on Pretrial Conference has not been followed, and mandatory documents have not been received

Note: For cases where the originally assigned judge will try the matter, and not place it on standby for reassignment, they may deviate from this process.

16 Processing Standby Trials After Re-assignment

A trial assignment meeting is held weekly (generally Thursday) at which standby cases are assigned for trial. Trial assignments will be announced by e-mail after the meeting.

The Trial Assignments web page is regularly updated (go to https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-calendars-locations-operations/superior-court-calendars-schedules, then click on "Civil trials and standby calendars"). This information is public and available to counsel and parties.

Once cases are reassigned to other courts or placed on standby, the bailiffs and coordinators must work closely to communicate case status and court availability.

It is the sending bailiff's duty to communicate with the parties as to the reassignment or standby status of all cases.

The bailiff's tasks are:

- Notify the parties if a case is on standby. Parties should be told to remain available for the entire week (Monday through Thursday)
- Notify parties if a case is reassigned. Advise them of new judge, courtroom number, trial date, and trial time
- Route trial materials to the newly assigned judge
- Complete the Civil Trial Preparation Checklist and e-mail or attach to the top of trial material being routed to the newly assigned judge
- Follow-up with parties if the case does not get reassigned

If a standby trial is not reassigned after the first week it is on standby, the parties may remain on standby or make a motion to the assigned judge for a continuance.

All trial material for standby cases remains with the assigned judge until the trial is assigned to a new judge.

If a party moves to continue trial after the case has been placed on standby and reassigned but before trial begins, the continuance motion shall be heard by the original judge who put the case on standby. If the original judge grants the continuance, the case shall stay with the original judge, and the reassignment shall be withdrawn.

If an ITA trial is continued or a mistrial is declared at any point after the case has been put up for brokerage and reassigned, the case will be returned to the ITA Department for pretrial management unless the trial judge orders otherwise.

If a standby trial has settled, or is continued, or the assigned judge removes it from standby, the coordinators shall be notified immediately.

Note: If a trial was placed on standby, reassigned to a new judge, and it is apparent the pretrial order deadlines were not met and/or documents were not submitted timely, the trial assignment will be withdrawn and returned to the original judge.

17 Judicial Rotation

17.1 Case Transfer Schedule

The judicial rotation process begins four months before the effective transfer date. During the months leading up to the effective date, communications are sent out alerting the courts to events that should take place to ensure a smooth transition.

The communications are as follows (dates are approximate):

1. Six weeks before the effective date: judges affected by caseload transfers will receive a list of their cases subject to transfer. Judges will respond within three days and identify those cases they wish to retain.

2. A reminder e-mail will go out to judges rotating regarding KCMS updates, the effect that continuances have on the transferring of cases, the date the Orders for Change of Judge will be mailed and whom to contact with questions.

   The e-mail will also advise that cases that are continued after the six weeks' cut-off will not be automatically transferred.

3. Three weeks before the effective date: reports identifying cases transferred and cases received will be distributed to each affected court. The cover letter will remind courts that cases will be transferred in KCMS two weeks before the effective date.

17.2 Case Transfer Guidelines

Cases are evaluated for eligibility to be transferred based on the following guidelines:

- Only cases with active future trial dates (effective transfer date or after) or active cases that have been transferred to Mandatory Arbitration, or are in stay are transferred.

- SVP cases are excluded from the regular transfer process and instead follow the assigned judge. When a judge leaves office, the Chief Civil Judge decides to whom SVP cases are reassigned.

- Judges transferred to UFC, Juvenile Court, or Drug Diversion Court shall not retain civil cases, except for SVP cases. Any request for exceptions to this policy must be approved by the Chief Civil Judge and the chief of the other impacted Department.

Caseloads are evaluated and rebalanced when possible.

Generally, 100% of a caseload is transferred from one Judge to another. Certain situations, however, call for partial caseload transfers. For example, partial caseload transfers would occur when a judge retires or when a specific assignment is created/dissolved, such as Assistant Chief Criminal or a second Drug Court Judge.

To provide enough notice to schedule summary judgment motions with the new judge, orders are mailed out at least 30 days before the effective date of transfer.

The changes to judge assignments in KCMS must be completed two weeks before the effective date of transfer.

Cases on appeal status are not transferred as part of the regular judicial rotation.

18 Case Resolution

Changes in case status, both resolution and completion, download from KC Script to KCMS on a daily basis. This is referred to as the auto case closure download.

18.1 Clerk's Dismissal Process

The Clerk's dismissal process, authorized in LCR 41, was designed to close cases where parties have failed to bring their cases to completion (no order dismissing all claims against all parties or judgment has been entered).

Caseflow management staff in the Clerk's Office monitors cases to completion via an audit process. Cases are not considered complete until final dispositive documents have been received in the Clerk's Office.

REASON FOR DISMISSAL ACTION	NOTICE / ORDER GENERATED	TIME FRAMES FOR CLERK'S DISMISSAL	FINAL DOCUMENT FILED
Missed Status Conference	Order to Appear with notice of Dismissal for non-appearance. Non-compliance fee billed pursuant to King County Code.	65 days after initial Status Conference for Domestic and Paternity Cases.	Dismissal entered on Order on Status Conference.
Notice of Settlement – no Order Disposing of All claims entered.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days after written notice of settlement.	Order of Dismissal entered 14 days after notice.
Arbitration Award – no judgment or appeal entered.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days after filing of award.	Order of Dismissal entered 14 days after notice.
Missed trial date	Order Setting Case Schedule contains notice of dismissal pursuant to King County Code.	45 days after missed trial date.	Order of Dismissal entered. Non-compliance fee billed.
Missed Certificate of Settlement due date.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	45 days indicated on Certificate.	Order of Dismissal entered 21 days after notice.
Adjudicated by trial – no final document after trial	Clerk's Notice of Dismissal. Non-compliance fee billed.	90 days after trial	Order of Dismissal entered 14 days after notice
No activity for 12 months.	Clerk's Notice of Dismissal. Non-compliance fee billed pursuant to King County Code.	12 months after last action of record.	Order of Dismissal entered 45 days after notice.

REASON FOR DISMISSAL ACTION	NOTICE / ORDER GENERATED	TIME FRAMES FOR CLERK'S DISMISSAL	FINAL DOCUMENT FILED
No case closure on Unlawful Detainer cases.	Notice given to filing party. Non-compliance fee billed.	45 days with no case activity.	Order of Case Closure entered.
Failure to return from stay	Clerk's Notice of Dismissal. Non-compliance fee billed.	90 days beyond the review date	Order of Dismissal entered 14 days after notice

18.2 Aged Case Report – Clerk's Office

Each quarter, the Clerk will review a report with all pending civil and family law cases that have returned from appeal status but have no assigned trial date.

A Notice of Clerk's Motion for Dismissal will be mailed to remaining parties in the case. If no action is taken by the parties within 60 days, the Clerk will present an Order of Dismissal to the Chief Civil Judge or Chief MRJC Judge for entry without further notice.

Orders vacating the Clerk's dismissal will require simultaneous entry of either final orders or orders setting trial date.

18.3 Aged Case Report – Judicial Departments

Each quarter, the Clerk will provide a report of all cases older than 10 months to each judge with a civil or UFC caseload.

The judicial department will review the report, with a focus on cases older than 18 months, to ensure all final dispositive documents have been filed. The court may inquire of the parties or set a status conference to ensure that all cases are properly closed or determine the status of any lengthy continuances.

19 Stay of Proceedings

Occasionally, counsel and/or parties ask that proceedings in Superior Court be stayed. Reasons for this include proposed ADR or settlement negotiations, an interlocutory appeal, or the pending resolution of a criminal case.

If the court grants a stay, the court shall enter an order setting forth the reasons for the stay and set a review date. LCR 7(b)(11).

The review date requires the parties to inform the court of the status of the case by a specified time. If no review date is proposed by the parties, the court will set a review date approximately six months from the date of entry of the stay order.

The bailiff shall update KCMS if the case is in stay status.

A bankruptcy filing often proves to be problematic. In most circumstances Superior Court loses jurisdiction to take any action as to the party filing the bankruptcy petition yet notice to the court is rarely given. In addition, the bankruptcy filing as to one party may or may not affect the lawsuit for the remaining parties, or in a domestic relations case, may not affect all issues.

Cases on stay status are transferred as part of the regular judicial rotation.

20 Removal to US District Court

Cases that have been removed to US District Court are resolved and completed at that time. Upon receipt of a Remand to Superior Court, the Clerk's Office will reopen the case and assign it back to the original judge if the trial date has not passed. The original case scheduling order will remain in effect unless the parties file a motion for a continuance or amendment.

If the trial date has passed, it is the responsibility of the parties to file a motion before Chief Civil and request a new case schedule and judge assignment.

21 Appellate Mandates

When review is accepted by the Court of Appeals and/or the Supreme Court, the Superior Court loses jurisdiction for most purposes until the mandate is received.

Mandates are generally transmitted to counsel and the judge who issued the appealed order. These mandates are not necessarily transmitted directly to the Clerk's Office, so there is no central way to track appellate cases.

Upon the issuance of a mandate from an appellate court, returning a case to the Superior Court, either party may file a motion with the Respective Chief Judge for a judicial assignment and the issuance of a case schedule. If no party files such a motion within 90 days, the matter may be dismissed by the clerk for lack of prosecution. LCR 72.

Cases on appeal status are not transferred as part of the regular judicial rotation.

This section applies to civil mandates only. The criminal department has a different process for criminal appeals.