

LAR 0.7 REVISION OF COURT COMMISSIONER'S ORDER OR JUDGMENT

(a) Revision by Motion and Notice. A revision motion shall be filed on a form approved by the Court, with the Clerk of the Court within 10 days after entry of the order or judgment as provided in RCW 2.24.050. The motion must specify each portion of the Order for which revision is sought. The motion shall designate a hearing date approved by the court no later than 30 days after the filing of the motion. The Motion for Revision shall also be noted in accordance with Civil Rules 6 and 7. A copy of the motion for revision shall be served upon the other parties, or their counsel, if represented, within 10 days after the entry of the order or judgment and at least five court days before the hearing date. An additional three days-notice shall be required if service is by mail.

(b) Transcript Required. At least three (3) days prior to the hearing on the motion, the moving party shall file a transcript of the oral ruling of the Court Commissioner. The moving party shall obtain the transcript at their expense. A copy of the transcript shall, at least three (3) days prior to the hearing, also be served upon the other parties and furnished to the Judge who will hear the motion. A transcript will not be required if the matter was decided by letter decision, or if no oral decision was rendered. The transcript shall be double spaced in at least eleven-point type. The person preparing the transcript shall comply with GR 35 and be listed on the transcriptionist list approved by the court.

(c) Assignment and Procedure. Revision motions in cases that have been assigned will be heard by the assigned judge. Family Law revision hearings involving non-assigned cases will be heard by the Chief Family Law Judge. The Presiding Judge will hear non-family law civil revision hearings. The Chief Criminal Judge will hear criminal revision hearings. The Juvenile Judge will hear all Juvenile Court revision hearings. A Judge required by this rule to conduct the revision hearing, may, in the efficient administration of justice, assign the matter to another Judge. Local Rules for the Superior Court for

(d) Bench copies.

(1) The moving party shall provide a copy of the motion to revise to the Judge hearing the motion when the motion is filed. For a Family Law matter, the moving party shall also, no later than 12:00 p.m. three (3) days prior to the hearing, provide to the Judge copies of all pleadings and materials considered by the Court Commissioner as set forth on the Motion Status Report submitted at the time of the Court Commissioner's hearings. If the moving party believes that the Court Commissioner considered any pleadings or materials in addition to those noted on the Motion Status Report, the moving party must also provide those pleadings and materials to the Judge by 12:00 p.m. three (3) days prior to the hearing. If the non-moving party believes the Court Commissioner considered pleadings or materials in addition to those noted on the Motion Status Report which have not been provided by the moving party, the nonmoving party must provide copies of those materials to the Judge by 12:00 p.m. two (2) days prior to the hearing.

(2) If no Motion Status Report was submitted at the time of the Court Commissioner's hearing, the moving party shall provide copies of all pleadings and materials considered by the Court Commissioner to the Judge no later than three (3) days prior to the hearing. If the non-moving party believes the Court Commissioner considered additional materials which have not been

provided, the non-moving party shall provide copies of those materials to the judge by 12:00 p.m. two (2) days prior to the hearing.

(3) The Judge will consider the bench copies provided, and may decline to review any pleadings or materials which were not provided.

(e) Hearing Procedure.

(1) Hearings before the Family Law Judges shall be scheduled at 1:30 p.m. on Thursdays. Hearings before other judges shall be set pursuant to motion procedures for each department. The Juvenile Judge shall determine the setting of motions in that Court.

(2) The hearing will be on the factual record made before the Commissioner. Argument will be up to 10 minutes per side.

(3) The moving party shall notify the Judicial Assistant to the Judge by 12:00 p.m. three (3) days prior to the hearing date, as to the ready status of the motion. The moving party shall notify the other parties by 12:00 p.m. three (3) days prior to the hearing that they have called the motion ready for hearing to the Court. Failure to comply with this rule will result in the motion being stricken and the Court Commissioner's order will stand, unless the Judge hearing the motion finds good cause to allow the motion to be rescheduled. The non-moving parties may be granted sanctions if they appear at the time set for hearing and the matter is stricken due to non-compliance with the rule by the moving party.

(4) If the non-moving party has any objection to the hearing or will be seeking a continuance, that party must notify the assigned Judge and all other parties of that request in writing by 12:00 p.m. two (2) days prior to the hearing.

(5) The Judge scheduled to conduct the hearing shall consider any requests for continuance. If the moving party fails to appear at the time set for hearing, the Court may enter an order denying the motion. Absent good cause, a party seeking revision shall be deemed to have abandoned the motion if they fail to calendar the case and obtain a hearing within 60 days of the filing of the motion. Multiple orders of continuance shall not be freely granted. The agreement of the parties, standing alone, may not be deemed sufficient basis for a continuance.

(f) Emergency Motions. If a party can demonstrate exigent circumstances, an emergency motion may be presented to the judge assigned pursuant to section (c), upon reasonable notice to the opposing parties, without the necessity of meeting the requirements set forth in the above sections of this rule. The judge assigned pursuant to section (c) may determine that exigent circumstances do not justify an emergency hearing. In that event, the moving party shall follow the procedures set forth above.

(g) Stay. The filing of a Motion for Revision does not stay the Court Commissioner's order. The moving party may seek a stay of the order from the Judge expected to conduct the revision hearing as set forth in this rule. A request for stay may also be addressed to the Court Commissioner who issued the judgment or order.