

III. LOCAL CIVIL RULES (LCR)

Local Civil Rule 1.1

NOTICE REQUIRED IN SHOW CAUSE HEARINGS FOR CONTEMPT

- A. Necessary Provision in Pleadings Relating to Supplemental Proceedings and Show Cause Hearings for Contempt.** In all supplemental proceedings wherein an order is to be issued requiring the personal attendance of a party to be examined in open court, and in orders to show cause for contempt, the order must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE, AND PLACE THEREOF WILL CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant will be issued in such cases for the arrest of the cited person if such language has been omitted.

[Adopted Effective April 1, 1986; Amended Effective August 1, 1990; September 1, 2002; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2020; September 1, 2021; September 1, 2022; Amended & Re-Formatted Effective September 1, 2023; Amended and Re-numbered Effective September 1, 2024]

Local Civil Rule 16

PRETRIAL PROCEDURE

- A. Settlement Conferences.** In all cases governed by a Civil Case Schedule Order, the Court shall schedule a settlement conference. A list of cases not governed by a Civil Case Schedule Order can be found on the Court's website.

1. *Preparation for Conference*

- a. No later than the date listed on the civil case schedule order for submission of the Settlement Position Statement, all parties shall prepare a settlement position statement which shall be submitted to the Court via eMotion or hard copies delivered to Court Administration. Settlement position statements shall not be filed in the court file. No party shall be required to provide a copy of the position statement to any other party, but may provide a copy if so desired. The position statement shall include the following:
- i. A brief non-argumentative summary of the case;

- ii. A statement of whether liability is admitted, and if not, the plaintiff's theory or theories of liability and the defendant's theory or theories on non-liability;
 - iii. A list of all items of special damages claimed by the plaintiff and a statement of whether any or all of those are admitted by the defendant;
 - iv. An explanation of the general damages, including a summary of the nature and extent of any claimed disability or impairment; and
 - v. A statement of what settlement offers have been made thus far, if any.
- b. The position statement is to be a summary only and shall not exceed five (5) pages. The summary should take the form of a letter.

2. *Parties to Be Available*

- a. The parties and counsel shall attend the settlement conference in person unless they have been given prior permission to attend by Webex or telephone. Information on how to seek permission to attend by Webex or telephone is found on the Court's Website.
- b. *Representative of Insurer and Guardians ad Litem:* Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference, but a representative of the insurer of said parties shall be available by telephone or in person with sufficient authority to bind the insurer to a settlement. Guardians ad Litem shall be available by telephone or appear in person.

3. *Proceedings Privileged.* Settlement conferences shall be privileged and not reported or recorded. No party shall be bound to any agreement(s) unless a settlement is reached. When a settlement has been reached, the judicial officer may in his/her discretion order the settlement agreement in whole, or, in case of a partial agreement, then the terms thereof, to be reported or recorded.

4. *Judicial officer disqualified for trial.* The Judicial officer presiding over a settlement conference shall be disqualified from acting as the trial judicial officer in that matter, as well as any subsequent summary judgment motions, unless all parties agree otherwise in writing.

B. If a matter is settled outside of court and a settlement conference is no longer needed, parties are required to notify the Civil Judicial Assistant for Court Administration of settlement of the matter at least five (5) days prior to their settlement conference date so that the settlement conference can be stricken, and a Notice of Settlement must be filed at least five (5) days prior to the settlement conference.

- C. Pretrial Conferences. In all cases governed by a Civil Case Schedule Order, the Court shall schedule a pretrial conference hearing which counsel shall attend in person unless they have been given prior permission to attend by Webex or telephone. Information on how to seek permission to attend by Webex or telephone is found on the Court's Website. The parties must jointly prepare a Trial Management Report prior to the conference hearing.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2000; September 1, 2002; September 1, 2003; September 1, 2007; September 1, 2009; September 1, 2011; September 1, 2012; September 1, 2013; September 2, 2014; September 1, 2015; September 1, 2016; September 1, 2017; September 1, 2018; September 1, 2020; September 1, 2021; Amended & Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]

Local Civil Rule 42 CONSOLIDATION; SEPARATE TRIALS

- A. **Consolidated Cases for Trial Only.** When two or more cases are consolidated for trial only, an original Order to Consolidate, reflecting the cause number to be used as the lead case in which all subsequent documents will be filed, shall be submitted in each case. Consolidated cases shall be presumed to be consolidated for trial only, unless otherwise indicated.
- B. **Consolidated Cases.** When two or more cases are consolidated, an Order to Consolidate reflecting the cause number to be used as the lead case and all other numbers relevant to the consolidation shall be submitted in each relevant case.

[Adopted Effective August 1, 1990; Amended Effective September 1, 2007; Re-Formatted Effective September 1, 2023]

Local Civil Rule 52 FINDINGS OF FACT AND CONCLUSIONS OF LAW

- A. Unless the judicial officer presiding over a matter directs that entry of Findings of Fact and Conclusions of Law are to be handled differently, the Findings, Conclusions and Judgment or Order shall be entered in the following manner:
1. *Application.* This rule only applies to the entry of Findings of Fact and Conclusions of Law when the same are required under CR 52 and does not apply to entry of orders or judgments or orders unless Findings of Fact and Conclusions of Law are required.
 2. *Submission.* Not more than fifteen (15) days after the decision is rendered, the prevailing party shall submit Findings of Fact and Conclusions of Law and shall deliver the same, together with the Proposed Judgment or Order, to the opposing counsel or opposing party if not represented by counsel. If the prevailing party fails to submit

proposed findings in a timely manner, the other party may do so, and shall thereupon note the matter for presentment, giving the prevailing party at least seven (7) court days' notice of the hearing.

3. *Objections.* A non-prevailing party objecting to the Findings, Conclusions or Judgment or Order shall, within fifteen (15) days after receipt of the same, deliver to opposing counsel or unrepresented party two (2) copies of the objections thereto in writing, and the proposed substitutions. Upon receipt of the objections, the opposing counsel or unrepresented party shall deliver the proposed Findings, Conclusions and proposed Judgment or Order, together with one (1) copy of the objections and the proposed substitutions received from opposing counsel, to the presiding judicial officer through Court Administration.
 - a. If there are no objections received within the fifteen (15) day period aforesaid, counsel may forward the submittal to the judicial officer who shall, within ten (10) days thereafter, either (a) sign the proposed Findings of Fact, Conclusions of Law and Judgment or Order and forward to the Clerk for filing with conformed copies to all counsel, or (b) return the Findings of Fact, Conclusions of Law and Judgment or Order, if deficient, to all counsel noting the Court's requested changes or additions thereto.
 - b. The Court has discretion to order a hearing to be set on the issues of contested Findings of Fact, Conclusions of Law and Judgment or Order.
4. *Intent.* It is the intent of this rule that Findings of Fact, Conclusions of Law and Judgment or Order will be settled and filed as soon as possible, and that such matters shall not be noted on the Motion Docket; provided however, that if the Findings of Fact, Conclusions of Law and Judgment or Order are not settled within sixty (60) days after the Court's oral or written decision, either party may note entry of the Findings of Fact, Conclusions of Law and Judgment on the Motion Docket.

[Adopted Effective April 1, 1986; Amended Effective September 1, 2011; September 2, 2014; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Rule 56 SUMMARY JUDGMENT

A. Motion and Proceedings.

1. *Briefs.* Briefs, or memorandum of points and authorities, shall be mandatory with respect to all motions for summary judgment. The original is to be filed with the Superior Court Clerk and properly served on all other parties. Bench copies shall be submitted in accordance with LGR 2.

2. *Continuance and Confirmation.* Any motion to continue a Motion for Summary Judgment/Partial Summary Judgment for any reason, including reasons stated in CR 56(f), shall be scheduled to be heard at least one week before the scheduled date of the summary judgment hearing.
3. The moving party to a Motion for Summary Judgment shall confirm the Motion in accordance with the procedures provided for on the Website. Failure to confirm a Motion for Summary Judgment will result in that Motion being stricken.
4. The Clerk shall not allow more than two (2) Summary Judgment hearings to be confirmed for any one date. If there are two Summary Judgment matters confirmed for a date, only one (1) Over Ten matter shall be set. If a hearing date has only one (1) Summary Judgment matter set, the Clerk may set no more than two (2) Over Ten matters to that hearing date. No Summary Judgment and Over Ten docket shall have more than three (3) total matters set for hearing.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2006; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2017; September 1, 2020; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local Civil Rule 64
SEIZURE OF PERSON OR PROPERTY

- A. All bench warrants issued in a civil proceeding shall be valid for one year from the date of issuance, unless quashed earlier. All such warrants issued in a civil proceeding shall contain substantially the following language: This warrant shall expire at the end of one year from the date of issuance.

[Adopted Effective August 1, 1990; Amended Effective September 1, 2003; Re-Formatted Effective September 1, 2023]

Local Civil Rule 77
SUPERIOR COURTS AND JUDICIAL OFFICERS

- A. **Court Hours.** Court will be in session, unless otherwise ordered, on all judicial days except Saturdays and Sundays. Court hours will be from 8:00 a.m. to 4:30 p.m., except the Court shall be closed for lunch from 12:00 p.m. to 1:00 p.m. The hours of operation for both the Benton and Franklin County Clerks of the Court can be found on their respective Websites. All parties and counsel shall be present in court at 8:30 a.m. on the first day of a jury trial. In criminal cases, defense counsel shall have the defendant in court at 8:30 a.m. the first day of trial unless the defendant is in custody.

- B.** The Court Administration office shall be open 8:00 a.m. to 4:00 p.m., except the office shall be closed for lunch from 12:00 p.m. to 1:00 p.m. Notifications of emergency court closures or delays due to inclement weather will be posted on the Court’s Website on the “Inclement Weather” page as soon as possible following notification by each County of any delay or closure due to inclement weather. Other important and urgent updates can be found on the “What’s New” page of the court’s website.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2004; September 1, 2005; September 1, 2009; September 1, 2011; September 1, 2018; September 1, 2021; September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]