

II. LOCAL GENERAL RULES (LGR)

Local General Rule 1 WEBSITE

- A.** All references herein to “Website” are to the following Website and any subpage maintained therein: <https://www.co.benton.wa.us/pview.aspx?id=55107>
- B.** All references herein to “policy,” “process(es)” or “procedure” can be found on the relevant subpage of the Website.
- C.** The Court’s Website is searchable. Use the magnifying glass icon in the upper right corner of the Website to search by keyword for any subpage or document referenced herein if needed.
- D.** Any person needing access to the Website or eMotion can use the free public computer terminal in the lobby of the Benton County Justice Center, 7122 West Okanogan Place, Bldg. A, Kennewick, WA, or outside the Superior Court Clerk’s office in the Franklin County Courthouse, 1016 North 4th Street, Pasco, WA, during courthouse hours.

[Adopted Effective September 1, 2024.]

Local General Rule 2 ELECTRONIC BENCH COPIES AND READ FIRSTS

- A.** “Bench copy” means all document(s) filed and properly served on all other party(ies) that a party wants a judicial officer to review before a hearing on a motion.
- B.** On all case types and for all matters except adult criminal matters, all bench copies, including any proposed order(s), shall be uploaded to eMotion (or jMotion for juvenile court matters) to the correct docket and for the correct docket date in accordance with the timelines noted in Local General Rule 2(B)(1)-(4). See Court Website for instructions on how to use and/or access to eMotion and/or jMotion.
 - 1. If a party does not have access to eMotion/jMotion, hard copies of any bench copies must be delivered to Court Administration no less than three (3) court days prior to the hearing.
 - 2. If a party does have access to eMotion/jMotion, bench copies must be filed no less than five (5) calendar days prior to the hearing. The Court encourages parties to upload bench copies to eMotion/jMotion as soon as possible to allow for adequate preparation time for the judicial officer. The sole exception to this rule applies to tenants only at show cause hearings in unlawful detainer matters.

3. Failure to upload bench copies to eMotion/jMotion or to provide hard copies of bench copies could result in a matter being continued or stricken at the discretion of the judicial officer.
 4. If a matter is continued or re-noted, it is the responsibility of the parties to move their eMotion/jMotion documents to the new docket date on eMotion/jMotion.
- C. For all adult civil motions (except Unlawful Detainer matters, and summary judgment matters), all domestic dockets except the *pro se* docket, and for the probate and guardianship dockets, the moving party for any matter must upload a “Read First” to eMotion or provide a hard copy of a Read First to Court Administration if the party does not have access to eMotion, no less than five (5) calendar days prior to a hearing to confirm the matter on the docket. A “Read First” is a one-page document that tells the judicial officer whether the motion will be going as set, will be continued by agreement, if a continuance is requested, an agreed order will be presented, or if agreed upon Final Orders will be delivered to Court Administration. Failure to provide a Read First will result in that matter being stricken at the discretion of the judicial officer. Read Firsts are not filed with the Clerk. A sample Read First form can be found on the Website.
- D. The following case types are not required to file a Read First, but may file one at the discretion of any party for the convenience of the judicial officer assigned to that docket to assist with appropriate preparation for the docket: Unlawful detainer matters, Adoptions, Child Support Contempt, criminal, all juvenile matters, and the Benton County Minor Guardianship docket. A party who is *pro se* at the time of filing of a motion is not required to submit a Read First, but is strongly encouraged to do so.

[Adopted Effective September 1, 2024; Amended Effective September 1, 2025]

Local General Rule 3 BRIEFS AND MOTIONS

- A. The following timelines apply for the filing and service of any Motion and/or supporting briefs or other materials in any case type for all adult matters except juvenile and adult criminal matters, unless otherwise specified differently herein, by statute, court order, or by general Court Rule (e.g., CR 56 motions, writs, Motions for Injunction, unlawful detainer matters, protection orders, or Motions for Immediate Restraining Orders):
1. For all motions and supporting materials, not less than twenty-one (21) calendar days prior to the hearing on the issue;
 2. For all responsive briefs and materials, not less than eleven (11) calendar days prior to the hearing;
 3. For any reply or strict reply by the moving party, not less than five (5) calendar days prior to the hearing.

- B. For all civil and domestic dockets, parties shall designate their motion as an “under 10” or “over 10” depending on the length, in minutes, that the motion is expected to take. This designation shall be on the Note for Motion Docket.
- C. Motions to Shorten Time to have a hearing on a motion sooner than twenty-one days must be brought in accordance with the policy on the Website. Motion hearings shall not be set sooner than the timelines permitted by these Rules without an order granting leave to shorten time.

[Adopted Effective September 1, 2024.]

Local General Rule 4
PROPOSED ORDERS AND ORDERS AFTER HEARING

- A. **Process for Presenting a Proposed Order Before a Hearing.** When a party is required to provide a proposed Order before a hearing on any Motion, or elects to do so, parties shall do so in the following manner:
 - 1. The moving party shall prepare and file and serve a Proposed Order along with the motion and provide a bench copy of the proposed order in accordance with Local General Rule 2. The opposing party shall file and serve their proposed order with their responsive materials and provide a bench copy as well.
 - 2. For matters set on the Benton County and/or Franklin County Civil docket and Civil Summary Judgment docket (except unlawful detainer matters) only, the moving party and any party opposing a motion must email a Word version of any proposed order(s) to scproposedorders@co.benton.wa.us no later than three (3) calendar days before a hearing, and all parties must be copied on any email message sent to that email.
 - 3. Proposed Orders for domestic cases (case types 3 and 5) are governed by Local Domestic Rule 4(B) below.
- B. **Process for Presenting Orders After an Oral Ruling at a Hearing.** If an order is not signed at the hearing on a matter where the judicial officer has made an oral ruling on any issue, entry of the written order consistent with the judicial officer’s ruling shall be as follows:
 - 1. *Submission.*
 - a. The prevailing party shall send a proposed order to each opposing counsel and/or unrepresented party no more than seven (7) calendar days after the hearing.
 - b. If the prevailing party fails to submit a proposed order as required by subparagraph (i) above, the other party may do so in the same manner as if they were the prevailing party.
 - 2. *Objections.*
 - a. A party who did not prepare a proposed order may object to a proposed order. Any objection to a proposed order shall be:

- i. Delivered to each other party within (5) days after receipt of the proposed Order;
- ii. Be presented on pleading paper in accordance with GR 14; and
- iii. Include a proposed alternative Order.

3. *Response to Objections.*

- a. After receiving an objection to a proposed order or the expiration of time in which an objection to a proposed order may be raised, the party who initially prepared the proposed order shall:
 - i. Send the initial order, the proposed alternative order and the pleading outlining the objections to the Judicial Officer via Court Administration in hard copy;
 - ii. File the documents with the Clerk; and
 - iii. Serve a copy of the filing on all other parties.

4. *Entry of Order*

- a. The judicial officer may enter a proposed order as proposed, modify a proposed order, enter their own order, or set a hearing to resolve objections to a proposed order.
- b. If there are no timely objections received, the party who initially prepared the order shall send it to the Judicial Officer by bringing/delivering a hard copy to Court Administration.

- C. This rule does not apply to criminal matters (adult or juvenile), or to entry of Final Orders in Domestic cases, which are governed by the Local Domestic Rules below.

[Adopted Effective September 1, 2024.]

**Local General Rule 5
ELECTRONIC SERVICE FROM COURT AND CLERK**

- A. The Court and Clerk will send to all attorneys orders, notices, and other documents via email. The Court and Clerk will utilize the email address for attorneys with the Washington State Bar Association online Attorney Directory. Any self-represented party may opt-out of receiving electronic notice from the Court and Clerk by filing a Notice of Address Change (NTACA). The form is available at the Superior Court Administration office, Franklin County Clerk's office, or the Benton County Clerk's office.

[Adopted Effective September 1, 2024.]

**Local General Rule 6
EX PARTE**

- A. No matter shall be presented on an ex parte basis unless notice has been given, or good faith efforts have been made to give notice, to all other parties prior to presentment at ex parte for a motion which is not agreed. This does not apply to ex parte applications for the following:
1. Civil Protection Orders;
 2. Motions for Orders to Set Show Cause Hearing where no relief is sought other than setting a hearing;
 3. Motions for Fee Waivers;
 4. Motions for Indigency on Appeal;
 5. Motions to Seal Expert Service Provider for criminal matters;
 6. Motions for Immediate Restraining Orders;
 7. Matters where breach of a prior agreement allows a party to move for relief ex parte without notice to the breaching party; or
 8. Any matter where a party has a good faith belief that prior notice of presentment to the other party(ies) will result in actual physical or irreparable harm to the presenting party or a child of the presenting party.
- B. Orders in any case type, including Final Orders in domestic relations cases, which have been signed by all parties or stipulated may be presented on an ex parte basis, and will be signed at the discretion of the judicial officer.
- C. An attestation indicating whether any judicial officer has been recused or disqualified from any matter shall accompany all matters presented on an ex parte basis. Attestations are available in the respective Clerk's offices or on the Court Website.

[Adopted Effective September 1, 2024.]

**Local General Rule 7
AMENDING CASE SCHEDULE ORDERS/CONTINUING TRIALS**

- A. No Order amending an existing Case Schedule Order shall be signed on an ex parte basis unless the procedures provided on the Court Website have been followed, and the Certificate of Pre-Approved Trial Dates is attached to the Order. See Website for form and procedure to amend an existing Case Schedule Order.
- B. Juvenile dependency matters are not required to obtain a Certificate of Pre-Approved Trial Dates prior to moving for an amended Case Schedule Order.
- C. Any motion for an order to continue a trial that has already been called ready for trial and does not have an existing case schedule order must obtain trial dates from the judicial assistant before submission. The moving party must submit their motion for continuance

along with a certificate of pre-approved trial dates issued by the judicial assistant in accordance with the procedures provided for on the Website.

[Adopted Effective September 1, 2024; Amended Effective September 1, 2025]

Local General Rule 8 SANCTIONS

- A. On any matter and any case type, where a party violates these rules, or any court rule, procedure or process then in effect, the Court may order the attorney or party to pay monetary sanctions to the Clerk of the Court, or terms to any other party who has incurred expense as a result of the violation, or both; in addition, the Court may impose such other sanctions as justice requires. This rule does not limit the authority of the judicial officer under any other Court Rule or law to impose sanctions for discovery violations. The Court may decline to impose any sanction or terms for good cause shown. A status hearing will be set when sanctions are ordered to ensure timely payment or appeal of the order.
- B. “Terms” means costs, attorney fees, and other expenses incurred or to be incurred as a result of the violation; the term “monetary sanctions” means a financial penalty payable to the Clerk of the Court or any party; the term “other sanctions” includes but is not limited to the exclusion of evidence.

[Adopted Effective April 9, 2002; Amended Effective September 1, 2010; September 1, 2020; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

Local General Rule 9 ELECTRONIC SIGNATURES AND FILING

- A. As authorized by Supreme Court Order No. 25700-B-596 (July 16, 2019), Benton & Franklin Counties Superior Court waives GR 30(d) requiring: (1) the issuance of a user ID and password to electronically file documents with the court or clerk; (2) that a party who has filed electronically or has provided the clerk with their email address must give consent to accept electronic transmissions from the court.
- B. Electronic signatures which comply with GR 30(a)(4) are acceptable for filing.

[Adopted Effective September 1, 2022; Amended & Re-Formatted Effective September 1, 2023; Re-numbered Effective September 1, 2024]

Local General Rule 10 AUTHORIZED TRANSCRIPTIONISTS

- A. Those wishing to become authorized transcriptionists must complete and submit, with all supporting documents, a transcriptionist Application, which can be obtained from Court Administration or on the Court’s Website.

B. A list of authorized transcriptionists can be found at the Court’s Website.

[Adopted Effective September 1, 2016, September 1, 2022; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024]

**Local General Rule 11
REVISIONS AND RECONSIDERATIONS**

A. Procedure for Revision or Reconsideration

1. *Motion Content and Service Deadlines.* A party seeking revision of a Court Commissioner’s ruling pursuant to RCW 2.24.050, or reconsideration pursuant to CR 59, shall file and serve a Motion for Revision or Motion for Reconsideration within ten (10) days of entry of the written order with the Clerk. The motion must set forth specific grounds for each claimed error and argument and legal authorities in support thereof. The motion shall be accompanied by a copy of the order for which revision or reconsideration is sought. A transcript of the hearing is not required but can be submitted at the discretion of the moving or opposing party. A copy of the motion shall be provided to all other parties to the proceedings, except as otherwise provided by law, and to Court Administration by e-mail at Reconsideration-Revision@co.benton.wa.us, (emails must include all parties/attorneys included, unless otherwise provided by law) who shall refer the motion to the appropriate judicial officer. Include a proposed order in Microsoft WORD format, subject to your technology access. The opposing party has ten (10) days after service of the motion to file and serve opposing documents and a proposed order, on:
 - a. opposing counsel or the opposing party if not represented at the time of filing of the motion; and
 - b. to Court Administration by email at Reconsideration-Revision@co.benton.wa.us. The 10-day period may be extended an additional ten (10) days for a total of twenty (20) days either by the court for good cause or by the parties’ written stipulation.
2. *Review is De Novo for Motions for Revision.* Review of the Commissioner’s order shall be de novo based on the pleadings submitted and without oral argument unless requested by the reviewing Judge.
3. *Effect of Order During Pendency of a Motion for Revision or Reconsideration.* The judicial officer’s written order shall remain effective unless and until stayed by the judicial officer pending proceedings related to the motion for revision or reconsideration.

[Adopted September 1, 2003; September 1, 2021; Re-Formatted Effective September 1, 2023; Amended Effective September 1, 2024; Amended Effective September 1, 2025]