

II. LOCAL MANAGEMENT RULE (LMR)

Local Management Rule 1 WEBSITE

- A. 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.
- B. 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.

[Reformatted Effective September 1, 2024; Amended Effective September 1, 2026]

Local Management 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 LCR 7(A) or (B). See Court Website for instructions on how to use and/or access to eMotion and/or jMotion.
- C. If a party does not have an ability to access to eMotion/jMotion, hard copies of any bench copies must be delivered to the Court Administration office no less than three (3) court days prior to the hearing. The bench copies must be clearly marked with the date of hearing and if a specific judge is assigned.
- D. If a party does have access to eMotion/jMotion, bench copies must be uploaded 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.
- E. 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.
- F. 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.

- G.** For all adult civil motions, all domestic dockets, and for the probate and guardianship dockets (matters excluded from this rule are outlined below LMR 2(H)), the moving party for any matter must upload a “Read First” to eMotion or provide a hard copy of a Read First to the Court Administration office 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 the Court Administration office. 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.
- H.** The following case types are not required to upload a Read First, but may upload 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:
1. *Dockets.* Unlawful Detainer Matters, Civil Protection Orders, Adoptions, Child Support, Contempt, Domestic Pro Se, Criminal, All Juvenile Matters, and Minor Guardianship (Benton).

[Adopted Effective September 1, 2024; Amended Effective September 1, 2025; Amended & Reformatted Effective September 1, 2026]

Local Management Rule 3 ELECTRONIC SERVICE FROM COURT AND CLERK

- A.** The Court and Clerk will send all notices, orders, and other documents to the parties’ counsel, or to any self-represented party, 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; Re-formatted Effective September 1, 2026]

Local Management Rule 4 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.
1. The following does not apply to ex parte applications:
 - a. Civil Protection Orders;
 - b. Motions for Orders to Set Show Cause Hearing where no relief is sought other than setting a hearing;

- c. Motions for Fee Waivers;
 - d. Motions for Indigency on Appeal;
 - e. Motions to Seal Expert Service Provider for criminal matters;
 - f. Motions for Immediate Restraining Orders;
 - g. Matters where breach of a prior agreement allows a party to move for relief ex parte without notice to the breaching party; or
 - h. 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.
- A. 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.
- B. 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; Reformatted Effective September 1, 2026]

Local Management Rule 5 SANCTIONS

- A. On any matter and any case type, where a party violates these rules, or any court rule, 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 and as allowed given the court's inherent authority 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; Reformatted Effective September 1, 2026]

Local Management Rule 6 SPECIAL SET REQUESTS

A. Special Set Requests. The Special Set Request rule applies to all adult superior court cases. This rule covers Pre-Assigned Cases, Criminal Cases (not pre-assigned), and all other case types. Motions must be filed (prior to request) in compliance with CR 7 and LCR 7.

1. *Pre-Assigned Cases.* Any litigant requesting a special set hearing for a case pre-assigned to a Benton/Franklin Judicial Officer or an Out-of-County Judicial Officer shall:

- a. Complete the Pre-Assigned Hearing Request Form.
- b. Email the completed form to specialsets@co.benton.wa.us. A conformation email will be sent acknowledging receipt.
- c. Court Administration/Judicial Assistants will provide three (3) available dates for the assigned Judicial Officers.
- d. All parties shall jointly respond within two (2) business days after receipt of the email from Court Administration/Judicial Assistants indicating which date(s) are acceptable.
- e. If parties cannot agree on a date, the designated court staff will select one from the provided options and notify the parties by email.

2. *Criminal Cases (Not Pre-Assigned).* The following must be followed by any litigant requesting a special set hearing on a criminal case that is not pre-assigned.

- a. Parties shall jointly email specialsets@co.benton.wa.us with the following information and attached request form (available on the court's website):
 - i. The nature of the requested hearing.
 - ii. The reason(s) the hearing cannot be set on an existing criminal regular docket, criminal docket, or preliminary docket, consistent with applicable rules.
 - iii. A proposed date certain and/or earliest possible hearing date.
 - iv. Whether briefing has been completed.
 - v. Whether the opposing party has been contacted and whether they agree or disagree with the request.
 - vi. Also, see LCrR 4.11(B) for Special Set Requests on Motion for Acquittal on Grounds of Insanity.

3. *All Other Case Types.* A litigant requesting a Special Set not covered above must first obtain a court order authorizing the special setting.

- a. The Special Set Request Form shall be completed and emailed to specialsets@co.benton.wa.us, with all parties copied on the email.
- b. All sections of the form must be fully completed; "not applicable" must be indicated where appropriate.
- c. TEDRA trial settings are guided by this rule.

4. *All Special Set Requests.*

- a. The party requesting the special set shall file a Note for Motion reflecting the date approved by Court Administration/Judicial Assistant, clearly indicating that the date was approved.
- b. The Note for Motion shall indicate “Clerk’s Action Required.”
- c. No other motion may be joined with a request for a special set request nor additional time added without approval from the Court.
- d. Special set hearings approved by Superior Court may not be canceled or stricken without prior court approval. If court approval has not been granted before the scheduled hearing date, the matter must be called on the record on the day set to request the cancellation
- e. Special Set Requests shall not be heard sooner than the time periods required by State and Local Rules unless an order shortening time has been entered.
- f. Interpreter information provided during the special set rules is used for scheduling purposes only. Interpreter Requests for all hearings, including special sets, must be submitted as required under the applicable LGR 11.
- g. Failure to comply with the requirements of this rule may result in denial or delay of the special set request.
- h. The required special set request forms shall be completed and submitted with all parties included on the email.

[Adopted Effective September 1, 2026]

**Local Management Rule 7
EVIDENTIARY HEARINGS**

A. Evidentiary Hearings. Civil Unlawful Detainer and Family Law Relocation Trials.

1. *Applicability.* This rule applies when a judicial officer orders an evidentiary hearing in Civil Unlawful Detainer matters and Family Law Relocation trials.
2. *Requesting an Evidentiary Hearing.* Counsel or self-represented parties must request an evidentiary hearing by submitting a Special Set Request per LMR 6(3) and adhering to all requirements in that rule.
3. *Pre Hearing Filings.* Each party must file the following (at least two weeks before the evidentiary hearing date):
 - a. A witness list, including each witness’s name, phone number, and a brief summary of expected testimony.
 - b. An exhibit list.
4. *Service Requirements.* Each party must serve their witness list, exhibit list, and copies of all exhibits on the opposing party at least two weeks before the evidentiary hearing.

[Adopted Effective September 1, 2026]