

Snohomish County Superior Court

Local Court Rule - Change

Permanent Rule Effective September 1, 2009

PART III. CIVIL RULES

(SCLCR)

VI. TRIALS (RULES 38-53.2)

RULE 39. TRIAL BY JURY OR BY THE COURT

(b) (3) Alternate Trial Procedures.

In any non-criminal and non-domestic case the parties may, no later than 30 days before any scheduled trial date, stipulate that alternate trial procedures may be used as provided for in this rule.

Such stipulation shall provide for:

(a) Waiver of the right to a jury trial;

(b) Waiver of any right to appeal the result of the alternate trial procedure; and

(c) Waiver of the right to findings of fact and conclusions of law.

(3) Such stipulations may provide for:

(a) the waiver of the applicability of the Rules of Evidence and the substitution of other evidentiary rules, including, but not limited to rules used in mandatory arbitration and in American Arbitration Association matters

(b) limitations on the extent of pretrial discovery;

(c) the appointment of a special master at the parties' expense; and

(d) limitations on the number of witnesses and/or the amount of time which any party may have to use at trial.

(e) Testimony by declaration or deposition only.

(4) In any case where the parties stipulate to the use of an alternate trial procedure under this rule such stipulation shall be presented to the presiding judge, who upon approval of the stipulation, will preassign the case to a trial judge. After notice of the appointment of the preassigned judge, the parties shall have 14 days within which time any party may withdraw the stipulation or file an affidavit of prejudice against the preassigned judge. If an affidavit of prejudice is filed with notice to the presiding judge, the presiding judge shall reassign the case to another judge. After reassignment of the case, the parties shall have 14 days within which time any party may withdraw the stipulation. any Party which has not already filed an affidavit of prejudice may exercise that right under the same procedures set forth herein.

(5) A withdrawal of the stipulation within the time frame set forth in subsection (4) shall be effective without any further court action. Any later attempt to withdraw the stipulation must have the approval of the preassigned judge.

(6) Stipulation for the use of alternate trial procedures shall be in writing on a form approved by the court. It shall be signed by all parties and by their respective counsel.

[Adopted effective September 1, 2009]