

- Rules and laws change often, so **all information should be verified** before relying on it.
- This resource **does NOT constitute legal advice** and viewing this **resource does NOT create an attorney-client relationship between you and FVAP**. We suggest speaking with an attorney to know your specific deadline.

## Motion for Revision Local Rules Tip Sheet

### General WA Statute- RCW 2.24.050 <https://app.leg.wa.gov/rcw/default.aspx?cite=2.24.050>

- Within ten days after entry of any order or judgment of the court commissioner may file a motion for revision

### Asotin, Columbia, and Garfield - LCR 53.2 Court Commissioners

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/02/SUP/LCR\\_Asotin\\_Garfield\\_Columbia\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/02/SUP/LCR_Asotin_Garfield_Columbia_SUP.pdf)

- Shall within 10 days of entry of written order, file and service a motion for revision.
  - Must set forth specific grounds for each claimed error and argument and legal authorities in support
  - Must be accompanied by a copy of the order for which revision is sought and copies of all papers which were before the Commissioner in support, or in opposition in the original proceedings
  - Copy of motion and supporting docs will be provided to all other parties to the proceedings and Court Administrator will refer motion to appropriate Judge for consideration
- Responding party will have 5 working days from receipt of motion to file a written response with the Clerk and provide copies to all other parties and Court Administrator
  - If revision is based on testimony – that testimony must be transcribed and attached to motion. If can't be timely available, set forth arrangements that have been made to secure transcript
  - Review is de novo based on the pleadings and transcript submitted and w/o oral argument
  - Scope of Motion: Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion for revision or remand to the Commissioner for further proceedings
    - May not consider evidence or issues which were not before the Commissioner or not raised by the motion for revision
    - May consider request for attorney fees by either party for the revision proceedings
  - Effect: The written order shall remain effective unless and until revised by the Judge or unless stayed by the Judge pending proceedings related to the motion for revision

### Benton, Franklin – LCR 53.2 Court Commissioners

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/03/SUP/LCR\\_Benton\\_Franklin\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/03/SUP/LCR_Benton_Franklin_SUP.pdf)

- Must file and serve within ten days of entry of written order

- Motion must set forth specific grounds for each claimed error and argument and legal authorities
- Must be accompanied by a copy of the order and all papers that were before the Commissioner in support or in opposition of the original proceedings
- A copy of the motion and all supporting documents shall be provided to all other parties and the Court Administration at: [Reconsideration-Revision@co.benton.wa.us](mailto:Reconsideration-Revision@co.benton.wa.us)
- Responding party shall have five working days from receipt of motion to file a written response with the Clerk and provide copies to all other parties at the same email address above.
- Transcript Required: when seeking revision of a ruling based on testimony, such testimony must be transcribed and attached to the motion. If not timely available, moving party must set forth arrangements which have been made to secure the transcript
- Review is de novo and based on the pleadings and transcript submitted with no oral argument unless requested by reviewing Judge
- Scope of Motion: Judge may deny the motion, revise any order or judgment which is related to the issue raised by motion or remand to the Commissioner for further proceedings
  - May not consider evidence or issues which were not before the Commissioner or not raised by the motion
  - May consider request for attorney fees by either party
- Effect: Commissioner's written order shall remain effective unless revised or stayed by the Judge

**Chelan – No local rules for motion for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Clallam – LCR 2 Revision of Commissioner's Ruling**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/05/SUP/LCR\\_Clallam\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/05/SUP/LCR_Clallam_SUP.pdf)

- Shall comply w/ RCW 2.24.050
- Oral rulings not reduced to written orders are not the proper subject for a motion for revision
- Original motion and supporting materials and proof of service upon all parties, along with bench copy for assigned judge is filed with Superior Court Clerk
  - Nonmoving party has ten days after being served with initial motion to respond
- Assigned Judge shall review the pleadings and either rule on the motion or seek additional input from the parties

**Clark – LCR 53.2 Motions for Revision of a Commissioner's Order**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/06/SUP/LCR\\_Clark\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/06/SUP/LCR_Clark_SUP.pdf)

- Shall be served and filed within 10 days of entry of written order
- Moving party must schedule the motion for hearing on the assigned Family Law Judge's Motion Docket
  - Motion shall be scheduled and heard by assigned Judge within 24 days of entry of the Commissioner's order. If not heard, will be heard on first available Motion Docket. Failure to hear motion within 24 days or the first available Motion Docket shall result in dismissal of the motion
- Standard is de novo if record does not include live testimony
  - Oral arguments on motions to revise shall be limited to 5 mins per side
  - No additional affidavits or other non-brief materials shall be filed

- Effect: Order shall remain in force unless separate motion is made and an order staying the Commissioner's order is granted by the assigned Judge or the Commissioner who signed the order
- Party seeking revision must at least five days before the hearing, deliver to the assigned Judge the motion of hearing and copies of all the papers submitted by all the parties to the Commissioner; or with assigned Judge's consent, an alternative to copies of all papers submitted, a listing of those papers in a form similar to a designation of clerk's papers
- If a motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration

**Cowlitz – No local rules for motion for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Douglas – No local rules for motion for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Ferry/Pend Oreille/Stevens – No local rules for motion for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Grant – LCR 60 Motions for Revision**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/13/SUP/LCR\\_Grant\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/13/SUP/LCR_Grant_SUP.pdf)

- Within 10 days of an order entered by the Court Commissioner must be filed with the clerk
- At the time it is filed, it will be noted for hearing on a normal Friday civil motion docket.
- If not heard within 30 days after filing, it shall be deemed denied unless Court extends hearing for good cause
- Form of Motion: identify the order which revision is sought, specific those portions of the order in error, identify documents that were submitted to the Court Commissioner for hearing on the ruling which revision is requested and include a summary of the legal and factual rounds upon which the moving party relies
- Transcript Required: at least five court days before the hearing, moving party shall file a written transcript of the hearing before the CC, serve a copy on all opposing parties and provide a copy to the judge who will hear the motion
- Confirmation Required: motions for revision must be confirmed with the Court Administrator no later than four court days before the date and time set for the hearing.
- Effect: filing the motion does not stay the order. Moving party must seek a stay of said order from Court Commissioner who signed the order

**Island – LCR 59 New Trial, Reconsideration and Amendment of Judgments**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/15/SUP/LCR\\_Island\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/15/SUP/LCR_Island_SUP.pdf)

For reconsideration or revision of a Commissioner's rulings:

- Must be filed and served on opposing counsel and filed w/ Clerk no later than 10 days after entry/filing of judgment, order, or written decision
- Grounds for Motion: must set forth specific grounds identified CR 59(a)  
[https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=sup&set=cr&ruleid=supcr59](https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=sup&set=cr&ruleid=supcr59)

- Irregularity in the proceedings of the court; misconduct of prevailing party or jury; accident or surprise with ordinary prudence; newly discovered evidence; damages so excessive or inadequate; error in the assessment of the amount of recovery, etc.
- Response: within ten days after receipt of the motion
- Oral Argument: will be scheduled only if judicial officer involved requests the same
- Decision on Motion: will not be noted for hearing on any motion calendar unless oral argument has been requested by the Judge or judicial officer
  - Notice of Readiness: After ten days following filing and service of motion, either party may file and serve on opposing counsel and file with the Clerk, a notice containing the case heading, designation of judicial officer making original ruling and certifying that the matter is ready for a ruling on the motion for reconsideration
    - Needs to be filed by either party

#### **Jefferson – LCR 53.2 Revision of Commissioner Rulings**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/16/SUP/LCR\\_Jefferson\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/16/SUP/LCR_Jefferson_SUP.pdf)

- Filing motion for revision does not stay the commissioner’s ruling. All orders granted shall remain valid and in effect pending outcome of the motion unless stayed upon motion and order properly noted before the commissioner granting the order or before the presiding judge
- Contents of Motion: state w/ specificity any portion of the commissioner’s order or judgment sought to be revised. Shall identify those findings of fact or conclusions of law to be revised and cite to the record. Not specified will not be revised
- Disposition (LCR 59) – no oral argument unless trial judge allows. Must file motion and all supporting affidavits, documents, and briefs at the same time and on date of filing, serve or mail copy to opposing counsel and deliver a bench copy to trial judge which shall show the date of filing

#### **King - LCR 7 Civil Motions: (General)**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/17/SUP/LCR\\_King\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/17/SUP/LCR_King_SUP.pdf)

For all cases except juvenile and involuntary treatment act proceedings:

- Must be filed within 10 days of entry of written order
- Shall only identify the errors claimed
- No response shall be filed unless authorized by the court.
  - If response is called for, reply must be filed within two judicial days of service of the response
- Hearing should be scheduled within 21 days of entry of commissioner’s order unless ordered otherwise
  - If assigned to individual judge – time and date for hearing shall be scheduled in advance w/ staff of assigned judge
  - If not assigned to individual judge – hearing scheduled by Respective Chief Judge
- All motions for revision shall be based on written materials and evidence submitted to commissioner. Moving party must provide assigned judge working copy of all materials submitted in support of and in opposition to the motion
  - Date, time, courtroom location of hearing if motion before commissioner was recorded.
- Oral arguments on motions limited to 10 mins per side
  - Not permitted on motions where underlying motion did not include oral argument.
- Written order remains in effect pending the hearing unless ordered otherwise

- At least six judicial days before the hearing, party seeking revision must deliver to assigned Judge working copies of the motion, notice of hearing and copies of all documents submitted by all parties to the commissioner
- If motion for reconsideration of order has been filed, time for filing motion for revision commences on date of filing of the commissioner's written order of judgment on reconsideration

**Kitsap - KCLFLR 12 Motions for Revision**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/18/SUP/LCR\\_Kitsap\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/18/SUP/LCR_Kitsap_SUP.pdf)

- Must be filed within 10 days after entry of written order or judgment and shall be noted on the Presiding Domestic Relations Judge's departmental calendar
- All written orders granted remain valid and in effect pending outcome of motion for revision unless stayed pending the outcome by the court commissioner granting the order or Judge
- Shall be based on written materials and evidence originally submitted to the commissioner
  - o No new additional or supplemental materials shall be received
- Moving party must provide assigned judge a bench copy of all materials submitted to the commissioner in support or opposition to the motion
- Oral arguments limited to 10 mins per side

**Kittitas – No local rules for motions for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Klickitat/Skamania – No local rules for motions for revision**

- Default to the general WA statute above and contact your local clerk before filing

**Lewis – LCR 2 Motions for Revision of Commissioner Rulings**

<https://lewiscountywa.gov/offices/superior-court/local-court-rules/>

- Notice: Note the motion for argument before the presiding judge within 30 days of filing, that the matter shall be considered and determined
  - o Absent extraordinary circumstances, any motion for revision not heard within 30 days of filing shall be considered abandoned, stricken by the court and commissioner's ruling affirmed
- File motion w/ Clerk of court within 10 days after entry of order or judgment
  - o Must specify each portion of Order which revision is sought
- Revision form shall designate a hearing date no later than 30 days after the filing of the motion.
  - o Copy of the motion shall be served upon other parties within 10 days after entry of the order or judgment and at least five days before hearing date. Additional three days' notice required if service by mail
- Transcript Required: at least four days before hearing on the motion, moving party shall file a transcript of the oral ruling of the Commissioner
  - o Must obtain at their expense. Copy of transcript must at least four days before hearing, be served upon other parties and a bench copy to the Judge hearing the motion.
  - o Won't be required if the matter was decided by letter decision or if no oral decision was rendered

### **Mason – LCR 53.2 Court Commissioners**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/23/SUP/LCR\\_Mason\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/23/SUP/LCR_Mason_SUP.pdf)

- Within ten days, must be filed and served after written order entered
- At the time filed, motion shall be scheduled for hearing within 30 days after order entered
- Absent extraordinary circumstances or reset by court, any motion not heard within 30 days after entry is considered abandoned, stricken by the court and commissioner's ruling affirmed
- Findings of Fact and Conclusions of Law
  - o To support the order or judgment shall be entered by the court commissioner before the hearing on the motion unless orders that they will not be entered
  - o Proposed findings of fact and conclusions of law or requests for them not to be entered shall be filed and served within the time provided for serving motions (CR6(d) not later than five days before the time specified for the hearing
- Form of Motion: shall specify each alleged error and identify each document in the court file related to the issues raised by the motion
- Notice of Issue: at the time a motion for revision is filed, moving party shall schedule a hearing on a civil calendar by filing a notice of issue.
- Record: where audio recording of live testimony is made, moving party shall within 5 calendar days after filing, make arrangements through Superior Court Administration for a transcript of the proceedings to be provided by the court.
  - o Where transcript is required, moving party shall be responsible for arranging for and payment for the transcript and ensure that it is filed with the court no later than 5 calendar days before scheduled hearing
- Scope of Motion: court may revise any order or judgment that is related to the issues raised by the motion. Will not consider issues not related to the motion without a separate motion except:
  - o May consider requests for attorney's fees by either party for the revision proceedings; and
  - o May consider issues in original order when motion for revision is filed as to a motion denying a motion for reconsideration
- Effect of Motion: Court commissioner loses jurisdiction to conduct further proceedings and/or enter orders on issues that are subject of revision proceeding
  - o May continue to hear proceedings/enter orders on issues not subject of revision
  - o Order shall remain valid and pending the outcome of the motion for revision unless stayed by court order

### **Okanogan – LR7(e) Civil Motions**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/24/SUP/LCR\\_Okanogan\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/24/SUP/LCR_Okanogan_SUP.pdf)

- For all cases except juvenile and involuntary treatment proceedings:
  - o Served and filed within 10 days of written order
  - o Written notice filed that gives other party at least five judicial days' notice of time, date, and place of the hearing on the motion
  - o Prior to filing motion, party or counsel must obtain a date from Judicial Assistant Program Scheduler
  - o Hearing on the motion shall be scheduled pursuant to Scheduler within reasonable time of entry of the commissioner's order
  - o Motion shall be based on written materials and evidence submitted to the commissioner. Moving party must provide assigned judge with working copy of all

materials submitted to the commissioner in support or opposition to the motion, copy of electronic recording if party wants it to be considered.

- Oral arguments to revise limited to 10 mins per side
- Written order remains in effect pending the hearing on the motion unless ordered otherwise by a Judge

#### **Pierce – PLCR 7(a)12) Motions: Judges and Commissioners**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/27/SUP/LCR\\_Pierce\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/27/SUP/LCR_Pierce_SUP.pdf)

- Within ten days of entry of written order or judgment, either party may file motion for revision
- Will be scheduled for argument no later than 30 days from Commissioner's written order or judgment sought to be revised except for good cause shown
- Orders remain valid and in effect pending the outcome of the motion for revision unless stayed
- All motions must state with specificity any portion of the order sought to be revised, identify portions by paragraph or page and line numbers. Any portion not so specified will be binding as if no revision motion has been made
- If revision is based on sworn testimony, it must be transcribed and filed no later than six days prior to the scheduled hearing date

#### **Skagit – SCLCR 59(b) Time for Motion; Contents of Motion**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/29/SUP/LCR\\_Skagit\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/29/SUP/LCR_Skagit_SUP.pdf)

- Must be filed and served within ten days after entry of judgment or order
- Must set forth specific grounds, arguments and authorities in support and designation of the judge making the ruling
- Opposing party may within ten days after receipt of the motion, file, and serve on the moving party and Court Administrator pleadings and documents in opposition
- Each party must prepare and include materials submitted, a proposed order on their position on the motion
- Oral arguments scheduled only if Judge involved requests
- Shall be by brief only and not noted for hearing on any motion calendar unless oral argument has been requested
- Notice of Readiness: After expiration of ten days following filing and service, either party may file and serve on opposing counsel and Court Administrator a notice containing:
  - Case heading, designation of Judge making original ruling, and certifying that the matter is ready for a ruling on the motion for reconsideration
  - Must be filed by any party before the matter is brought before a judge

#### **Snohomish – Rule 7(d)12) Motions for Revision of Commissioner's Order**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/31/SUP/LCR\\_Snohomish\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/31/SUP/LCR_Snohomish_SUP.pdf)

- Must file and serve within 10 days on all parties a motion and completed calendar note
- Review of rulings shall be de novo on the pleadings submitted to the commissioner
- Moving party must provide Judge with working copies of the motion and all materials submitted to the Commissioner for consideration
- Court will not consider supporting materials not previously filed and provided to the Commissioner in support or in opposition of the order
- Transcript or recordings before the commissioner shall not be filed or considered unless specifically authorized by the judge hearing the motion to revise



- Motion shall state each particular finding of fact, conclusion of law, order or ruling for which revision is sought
  - o Must contain a brief statement, for each claimed error which states the movant's claim of the correct finding, conclusion, order or ruling
- Motion to be heard no more than 14 days after the motion is filed

**Spokane – LAR 0.7 Revision of Court Commissioner's Order or Judgment**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/32/SUP/LCR\\_Spokane\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/32/SUP/LCR_Spokane_SUP.pdf)

- Must be filed on an approved form by the Court with the Clerk of the Court within 10 days after entry of the order/judgment
- Motion shall designate a hearing date approved by the court no later than 30 days after filing
- It should also be noted in accordance with CR 6 and 7
- Copy of the motion shall be served on other parties within 10 days after entry and at least five court days before the hearing date. Additional three days' notice required if service is by mail
- Transcript Required: at least three days prior to the hearing, moving party must file a transcript of the oral ruling of the Court Commissioner and obtain it at their expense
  - o At least three days prior to the hearing, a copy of the transcript must be served on other parties and provided to the assigned Judge
  - o No transcript required if matter was decided by letter decision or if no oral decision rendered
  - o Transcript must be double spaced in at least eleven-point type. Person preparing transcript must comply w/ GR 35 and be listed on the transcriptionist list approved by the court
- Moving party must provide a copy of the motion to the Judge hearing the motion and provide copies of all pleadings and materials considered by the Court Commissioner no later than noon three days prior to the hearing
  - o If moving party believes Court Commissioner considered any materials in addition to those noted on the Motion Status Report, they must provide them to the Judge by noon three days prior to the hearing
  - o If non-moving party believes Court Commissioner considered materials which have not been provided by the moving party, they must provide the copies to the Judge by noon two days prior to the hearing
- Hearing Procedure
  - o Hearings before the Family Law Judges shall be scheduled at 1:30pm on Thursdays or alternate time set by the judge. Hearings before other judges are set pursuant to motion procedures for each department
  - o Hearing will be on the factual record – oral argument will be up to 10 mins per side
- Notice of Readiness
  - o Moving party must notify Judicial Assistant to the Judge by noon three days prior to the hearing date as to the ready status of the motion
    - Moving party must notify all other parties by noon three days prior to the hearing that they have called the motion ready for hearing
  - o Failure to comply will result in motion being stricken and the order will stand unless assigned Judge finds good cause to allow the motion to be rescheduled
  - o If non-moving party has any objection to the hearing or will seek continuance, then must notify assigned Judge and all other parties of that request in writing by noon two days prior to the hearing



- Assigned Judge shall consider any requests for continuance. If moving party fails to appear at the hearing, Court may enter an order denying the motion. Absent good cause, party seeking continuance shall be deemed to have abandoned the motion if they fail to have it heard within 60 days of the filing of the motion
  - o Agreement of the parties alone may not be deemed sufficient basis for a continuance
  - o Multiple orders of continuance will not be freely granted
- Emergency motions may be presented to the assigned Judge upon reasonable notice to the opposing parties and without needing to meet the above requirements if a party can demonstrate exigent circumstances upon
- Filing a motion for revision does not stay the order. Moving party may seek a stay of the order from the Judge expected to conduct the revision hearing. A request for stay may also be addressed to the Court Commissioner who issued the judgment or order

#### **Thurston – LCR 53.2(e) Revision by Court**

[https://www.courts.wa.gov/court\\_rules/pdf/lcr/34/SUP/LCR\\_Thurston\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/lcr/34/SUP/LCR_Thurston_SUP.pdf)

- Must be filed within ten days after commissioner’s order or judgment is entered
- Must be served in the manner and time required by CR 5 and CR 6
- Findings of Fact and Conclusion of Law
  - o Moving party must either:
    - Present to the court commissioner proposed findings of fact and conclusions of law to support the order or judgment. Other parties may submit their proposals at the time for presentation; or
    - Provide a copy of the transcript of the court commissioner’s ruling which will constitute findings of fact and conclusions of law
  - o Moving party encouraged to specify each alleged error and identify each document in the court file related to the issues raised by the motion for revision
- Moving party must schedule a hearing by filing a notice of issue. Hearing shall be scheduled to occur within 30 days after the motion is filed unless court orders otherwise for good cause
- Hearing shall be conducted within 45 days unless court grants continuance for good cause. A motion to continue the hearing must include reasons to support the motion and an explanation of whether a transcript has been timely requested and whether the transcript is ready
- Transcript is required for all motions in which there was live testimony. It must be filed with the court at least five court days before the hearing for the motion
  - o To order transcript, moving party must contact official court reporter who is assigned to the Family and Juvenile Court within five days of filing the motion for revision
- Court may revise any order or judgment that is related to the issues raised by the motion
- Order shall remain in effective unless stayed by court order

#### **Wahkiakum – No local rules for motion for revision**

- Default to the general WA statute above and contact your local clerk before filing

#### **Walla Walla – WWCSCLR 53.2 Court Commissioners**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/36/SUP/LCR\\_Walla%20Walla\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/36/SUP/LCR_Walla%20Walla_SUP.pdf)

- Must file and serve within ten days of entry of the written order.
  - o Motion must set forth specific grounds for each claimed error and argument and legal authorities in support.

- Motion must be accompanied by a copy of the order and copies of papers which were before the Commissioner in support or in opposition.
- Responding party has five working days from receipt of the motion to file a written response with the Clerk and provide copies to all other parties and the court.
- If revision is based on testimony, it must be transcribed and attached to the motion. If not timely available, moving party must set forth arrangements which have been made to secure the transcript
- Review of the order will de novo based on the pleadings and transcript submitted and without oral argument unless requested.
- Judge may not consider evidence or issues which were not before the Commissioner or raised by the motion. May consider request for attorney fees by either party
- Court Commissioner's written order remains in effect unless and until revised or stayed by the judge pending proceedings related to the motion.

#### **Whatcom – WCCR 53.2 Review of Commissioner Rulings**

<https://www.whatcomcounty.us/DocumentCenter/View/569/Court-Rules-PDF?bidId=>

- Review shall be de novo on the record, based only on those materials that were submitted to the Commissioner
- Motion must be filed within 10 days of entry of the order and include the following:
  - Statement of the issue(s) sought to be revised
  - Brief statement why moving party is seeking a revision
  - Transcript of the hearing before the Commissioner
  - Citations to the record where applicable
- Hearing on the motion must occur within 30 days of the date the motion is filed unless otherwise ordered by the court.
  - Oral arguments limited to ten minutes each side
- No additional affidavits or other material need to be filed. Just the brief setting forth the legal issue and argument of the parties.
  - If a brief or legal memo was filed by a party before the Commissioner, no new brief or memorandum shall be submitted by that party on the motion

#### **Whitman – No local rules on motion for revision**

- Default to general WA statute above and contact your local clerk before filing

#### **Yakima – LCR 87 Motion for Revision**

[https://www.courts.wa.gov/court\\_rules/pdf/LCR/39/SUP/LCR\\_Yakima\\_SUP.pdf](https://www.courts.wa.gov/court_rules/pdf/LCR/39/SUP/LCR_Yakima_SUP.pdf)

- Must filed and serve a motion within ten days of entry of the written order
  - Motion must set forth specific grounds for reach claimed error and argument and legal authorities
  - Motion must be accompanied by a copy of the order and all pleadings that were before the Commissioner in support or opposition.
- If requested by the reviewing judge, responding party will have five court days from the receipt of the motion to file a written response with the Clerk and provide copies to all other parties and Court Administrator
- Transcript Required: ten days after responding party files their written response, moving party must filed a transcript of the hearing before the commissioner, serve a copy to all opposing parties and provide a copy to the Court Administrator.

- Review is de novo based on the pleadings and transcript submitted without oral argument unless requested by reviewing judge.
- Judge may deny the motion, revise any order or judgment which is related to the issue raised by the motion or remand to the Commissioner for further proceedings.
  - o Judge may not consider evidence or issues that were not before the Commissioner or not raised by the motion.
    - May consider attorney fees by either party
- Written order shall remain effective unless revised or stayed by the Judge pending proceedings related to the motion