LOCAL COURT RULES

District Court
of
Clark County,
Washington

2021 Edition

The Local Rules of the District Court of Clark County State of Washington are hereby adopted by the Clark County District Court, superseding all former rules and special rules.

Dated: July 1, 2021

Judge Kristen L. Parcher

Judge Chad E. Sleight

Judge Sonya L. Langsdorf

Judge Kelli E. Osler

2021 LOCAL RULES OF THE DISTRICT COURT FOR CLARK COUNTY, WASHINGTON

TABLE OF CONTENTS

LOCAL RULES

of the

DISTRICT COURT OF CLARK COUNTY

STATE OF WASHINGTON

Adopted Effective September 1, 1995
Including amendments through July 1, 2021

The following rules are hereby adopted by the Clark County District Court, superseding all former rules and special rules.

LOCAL GENERAL RULES

LGR RULE 14 - FORMAT FOR PLEADING, OTHER PAPERS, AND REQUIRED FORMS

(1) Format Requirements. All pleadings, motions, and other papers and digital images filed with the court shall be legibly written or printed. The use of letter-size paper (8-1/2 by 11 inches) is mandatory. The writing or printing shall appear on only one side of the page. The top margin of the first page shall be a minimum of one and a half inches, the bottom margin shall be a minimum of one inch and the side margins shall be a minimum of one inch. All subsequent pages shall have a minimum of one-inch margins. Papers filed shall not include any colored pages, highlighting or other colored markings.

(a) Format Recommendations, Bottom Notation, and Signatures Required. Every order presented for a Judge's signature shall include a portion of the text on the signature page and shall be signed by the individual attorney presenting it on the lower left-hand corner of the page to be signed. Every page shall include the case number. (Note: e-mail address needs to be included.)

(b) Pleading to be Dated and Names Typed. All pleadings, motions, and other papers to be filed with the clerk shall be dated by the person preparing the same. The names of all persons signing a pleading or other paper should be typed under the signature. If signed by an attorney, the attorney's Washington Bar Association number must be set forth.

(c) Pro se pleadings shall be typewritten or neatly printed, shall conform to the format recommendations of CRLJ 10(e), and shall contain the party's mailing address and street address where service of process and other papers may be made upon him/her or the same may be rejected for filing by the clerk.

[Adopted April 26, 2007]

(d) Audio/Visual Exhibits. When testimony or evidence is to be given via video tape or motion pictures, it is the responsibility of the party introducing the testimony or evidence to provide the proper equipment for viewing such testimony or evidence, or to provide the court the testimony or evidence in CD or DVD format.

[Adopted June 24, 2008]

(e) Small Claims and Name Change Format Requirements. All Small Claims and Name Change pleadings must conform to Clark County District Court forms. Prescribed forms are available on the court's website. Any pleadings not meeting such requirements may be rejected for filing and returned, then resubmitted after compliance with this rule.

[Adopted June 20, 2012]

(2) Other papers. In addition to the format requirements of GR14 and CR10, all pleadings motions and other papers filed with the District Court shall be legibly written or printed with numbered lines, double-spaced type except for generally recognized exceptions such as lengthy quotes or exhibits, twelve (12) point type , and using bonded or at least 20 lb. grade of paper. Any submission not meeting such requirements may be returned for resubmission in compliance with the rule.

(3) Required Forms. The following pleadings will not be accepted unless they are on the most current District Court form or the most recent Washington Courts form:

(a) Statement of Defendant on Plea of Guilty;

(b) Petition for Deferred Prosecution; and

(c) Order for Deferred Prosecution (no Washington Courts standard form available). District Court forms are available at District Court Administration or on second floor of courthouse. Washington Courts forms are available at www.courts.wa.org/forms.

[Adopted March 5, 2002: Amended September 1, 2019]

LGR 29 – PRESIDING JUDGE

(1) Appointment and Term. The term of Presiding Judge is to be two (2) years in duration. The Presiding Judge shall be elected by a majority of the sitting Judges on or before October 31st of each year so that notice of election may be given pursuant to GR 29. The Presiding Judge may be re-elected for additional terms. (Effective September 01, 2002)

(2) Duties.

(a) The Presiding Judge will act as Chief Administrative Judge and will see that policy of the Court, as determined by a majority of the Judges, is implemented by the Court Administrator.

(b) The Presiding Judge will call meetings of the Court and preside over said meetings.

(c) The Presiding Judge will adopt and implement a Court schedule with the consent of the majority of the Judges.

(d) The Presiding Judge will be the spokesperson for the Court in response to media inquiries.

(e) The Presiding Judge will be responsible for long range planning.

(f) The Presiding Judge will be responsible for relations with other elected officials, and other duties consistent with GR 29. (Effective 09-01-02)

(g) All major policy decisions will require the approval of a majority of the Judges; however, the Presiding Judge will be responsible for overseeing the budget, implementation of new technologies and the administrative function of the Court. The Presiding Judge may delegate any of his/her responsibilities to other Judges and create departments or committees to handle complex problems or functions as he or she sees fit.

(2) Assistant Presiding Judge. The judges shall elect an Assistant Presiding Judge in the same manner as the Presiding Judge. The Assistant Presiding Judge shall serve as Acting Presiding Judge, assuming the duties of the Presiding Judge, during the absence or incapacity or upon the request of the Presiding Judge and shall perform such further duties as the Presiding Judge shall direct. The Assistant Presiding Judge shall have the same status as all other sitting Judges with regard to duties and assignments by the Presiding Judge and eligibility to be elected Presiding Judge.

(3) Vacancies.

(a) Presiding Judge. In the event of a vacancy in the office of the Presiding Judge prior to the completion of the two-year term of the Presiding Judge, the Assistant Presiding Judge shall serve as Presiding Judge for the remainder of the unexpired term.

(b) Assistant Presiding Judge. In the event of a vacancy in the office of the Assistant Presiding Judge prior to the completion of the two-year term of the Assistant Presiding Judge, a new Assistant Presiding Judge shall be elected at the next regularly scheduled judges meeting for the remainder of the unexpired term.

(c) Removal. The Presiding and the Assistant Presiding Judge may be removed by a majority vote of the judges after noting the issue on the agenda for the next regularly scheduled judges meeting.

[Amended September 1, 2018]

LGR 30 - MANDATORY ELECTRONIC FILING

(1) Electronic Filing

(a) Effective September 1, 2013, unless this rule provides otherwise, attorneys shall electronically file (e-file) documents with the District Court Clerk's office using the Clark County Court E-Filing System. Non-attorneys are not required to e-file documents.

(i) Documents That Shall Not Be E-Filed. Documents required by law to be filed in non-electronic media must be filed in paper-form. Exceptions to e-filing include the following documents:

(A) Certified records of proceedings for purposes of appeal;
(B) Documents presented for filing during a court hearing or trial;
(C) Foreign (out of state) Judgments under official seal;
(D) New cases or fee-based documents filed with an Order in Forma Pauperis;
(E) Bail bonds;
(F) Trial Exhibits.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

(ii) Documents That May Be E-Filed. The following documents may be e-filed:

(A) Voluminous Documents—Voluminous documents of 500 pages or more may be e-filed or filed in paper form.
(B) Answers to Writs of Garnishment
(C) Documents from governments or other courts under official seal. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(2) Filing Fees, electronic filing fees.

(a) Documents being e-filed that require a fee must include a copy of the payment confirmation. Court payment may be made through the court's authorized payment processing agency.

[Adopted May 22, 2013]

I. ADMINISTRATIVE RULES

LARLJ 0.1 - COURT ORGANIZATION AND MANAGEMENT

The general management of the court shall be vested in the Presiding Judge and his/her duties and powers are as set forth below, pursuant to and in conjunction with ARLJ 5 and GR 29.

LARLJ 0.2 - ATTIRE OF COUNSEL AND LITIGANTS

All attorneys appearing before the court shall be attired in a manner that is consistent with the current, generally prevailing and accepted business attire for professional men and women in the local community. Male attorneys shall wear coats and ties. Female attorneys shall wear dresses, skirts, pant suits, or jacket and slacks. Any attire that is distracting or detrimental to the seriousness of the proceedings or disruptive of decorum should be avoided. Counsel are responsible for informing litigants that they should wear clean and neat-appearing clothing.

[Adopted April 26, 2007]

LARLJ 5 - PRESIDING JUDGE

[ARLJ 5 was repealed April 30, 2002; rescinded September 1, 2018]

LARLJ 5.1 - ACTING PRESIDING JUDGE

[Repealed September 1, 2018]

II. CIVIL RULES

LCRLJ 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(1) Filing.

(a) *Motions.* No motion for any order shall be heard unless the pleadings and citation have been filed with the Clerk not less than five court days before the hearing unless a motion for order shortening time has been filed and granted by the court.

[Adopted February 2, 2011]

(b) *Documents Not to Be Filed:*

(i) Interrogatories and depositions without written permission of Court, unless necessary for the disposition of a motion or objection;

(ii) Unanswered request for admissions unless necessary for the disposition of a motion or objection;

(iii) Photocopies of reported cases, statutes or texts appended to a brief or otherwise, shall not be filed, but may be furnished directly to the Judge hearing the matter;

(iv) Documents or copies thereof which should be received as exhibit rather than part of the court file;

(v) Requests for discovery and/or answer shall not be filed unless necessary for the disposition of a motion or objection.

(c) *Offers of Settlement*. An offer of settlement made pursuant to Chapter 4.84 of the Revised Code of Washington shall not be filed or communicated to the trier of the fact in violation of Section 4.84.280 of the Revised Code of Washington prior to completion of trial. A violation of this order shall result in the denial of the reasonable attorney fee. (See LCRLJ 68A)

LCRLJ 33 - INTERROGATORIES TO PARTIES

(1) Limited Interrogatories Without Prior Approval of the Court: Parties Represented by Attorneys. In those civil actions in which all parties are represented by counsel, any party may serve upon any other party no more than two sets of written interrogatories containing not more than 20 questions per set without prior permission of the Court. Any subsections shall be treated as a question for purposes of the 20 questions limitation. Interrogatories authorized under this local rule shall conform to the provisions of Civil Rule 33.

LCRLJ 40 - ASSIGNMENT OF CASES

(2) Methods.

(a) *Notice to Set for Trial.* A party desiring to place a case on the trial readiness calendar shall file a "Notice to Set for Trial" on a form prescribed by the Court.

(b) *Certification.* By filing a Notice to Set for Trial, a party certifies that the case is fully at issue with all necessary parties joined, all anticipated discovery has been or will be completed before trial and all other counsel have been served with a copy of the Notice.

(c) *Response to Notice to Set for Trial.* A party who objects to a case being set for trial, or who otherwise disagrees with the information on the "Notice," shall file and serve a "Response to Notice to Set for Trial" on a form prescribed by the Court within 10 days of the date of mailing or personal service of the "Notice." (See attached.) The Response shall be noted for hearing the objection not more than 25 days after the date of mailing or personal service of the "Notice to Set for Trial." No response is necessary if the party agrees with the "Notice to Set for Trial."

(d) *Call for Trial.* Any case placed on the readiness calendar will be subject to call for trial to be assigned a specific date for trial. The Court will give reasonable notice of the trial date assigned.

(e) *Continuances.* When a case has been called from the readiness calendar and set, it shall proceed to trial or be dismissed, unless good cause is shown for continuance, or the Court may impose such terms as are reasonable and in addition may impose costs upon counsel who has filed a Notice to Set for Trial, or who has failed to object thereto and is not prepared to proceed to trial. No request for continuance, including stipulated motions, will be considered without an affidavit giving the particulars necessitating a continuance in accordance with CRLJ 40(d) and (e). Continued cases may be removed from the trial calendar at the discretion of the court and, if removed, will be re-calendared upon filing a new Notice to Set for Trial.

LCRLJ 43 - TAKING OF TESTIMONY

(1) Evidence on Motions.

(a) Motions shall be heard on the pleadings, affidavits, published depositions and other papers filed unless otherwise directed by the Court. Any counter-affidavit shall be served upon the opposing party not later than (3) three days prior to the date of the hearing, or movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to a counter-affidavit may be served and considered at the hearing.

LCRLJ 54 - JUDGMENTS AND COSTS

(2) Demand for Default Judgment - Method - Ex-Parte Judgments and Orders. Counsel presenting a judgment or seeking entry of an order shall be responsible for seeing that all applicable papers are filed. Counsel may present routine ex-parte or stipulated matters based on the record in the file by e-filing. Conformed materials and/or rejected orders will be e-mailed to the e-mail address provided. All judgments shall contain a Judgment Summary in conformity with RCW 4.64.030.

(a) Costs - Attorney Fees.

(i) Reasonable attorney fees when allowed by statute or contract will be determined on a case by case basis and awarded in the sound discretion of the Court upon satisfactory justification, which may include documentation of time and charges.

In appropriate cases, when a Default Judgment is entered, there will be a minimum of $250. Additional reasonable attorney fees may be allowed on the basis of a maximum of 50% of the first $500.00 of the principal amount of the judgment, plus 10% of any balance over $500.00, without formal justification or documentation.

(ii) If reasonable attorney fees are requested based on a contract provision, the contract provision must be conspicuously highlighted or *underlined* to be readily ascertainable.

(iii) Specific citation of authority must accompany requests for reasonable attorney fees on any basis other than contract provision.

(iv) Statutory attorney fees may be granted when reasonable attorney fees are not authorized. (See RCW 12.20.060)

(v) *Offers of Settlement*. Improper communication of an offer of settlement shall result in the denial of reasonable attorney fees (see LCRLJ 5(d)(7) and LCRLJ 68).

LCRLJ 58 - ENTRY OF JUDGMENTS

(1) Judgment on a Promissory Note. No judgment on a promissory note will be signed until the original note has been filed with the Court, absent proof of loss or destruction.

LCRLJ 68A - OFFER OF SETTLEMENT

(2) Form. An Offer of Settlement shall clearly state it is an Offer of Settlement and specifically refer to Chapter 4.84 of the Revised Code of Washington.

(a) *Method of Service*. Service shall be made as permitted in CRLJ 5.

(b) *Time of Service*. Service shall be made in accordance with RCW 4.84.280 and/or CRLJ 68.

(c) *Pro-Se Parties*. Offers of Settlement served on pro-se parties shall include a statement that failure or refusal to accept this offer may result in a reasonable attorney fee being assessed at the time of judgment. Failure to include such wording will be grounds for the Court to deny reasonable attorney fees.

LCRLJ 69 - EXECUTION, SUPPLEMENTAL PROCEEDINGS AND GARNISHMENTS

(1) Scope. Execution, supplemental proceedings and garnishments are governed by Statute (See Titles 6 and 7 of the Revised Code of Washington).

(a) *Supplemental Proceedings*. In all supplemental proceedings wherein, an order is issued pursuant thereto requiring the personal attendance of a party to be examined in open court and in orders to show cause the order must include the following words in capital letters.

> YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE, AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the Court to refuse to issue a bench warrant.

(b) *Bench Warrant*. In the event the judgment debtor fails to appear for examination in a supplemental proceeding, the Court may issue a Bench Warrant for the defendant's arrest upon plaintiff's motion, provided that proof of personal service on the judgment debtor of the order to appear for examination has been filed. Such Bench Warrant shall provide for bail in the presumptive amount of $500.00, unless the size of the judgment warrants setting a greater or lesser amount. Upon arrest on a Civil Bench Warrant, the defendant shall be released by the jail upon posting the bail amount or surety bond. In the event that the defendant is unable to post bail, the defendant shall be brought before the Court at the next regularly scheduled "in custody" time. Verbal or oral notice of the bench warrant hearing will be given to the opposing party or counsel one (1) hour or more prior to the scheduled hearing. In the event the opposing party is unavailable for said hearing, the defendant may be released by order of the District Court conditioned upon the party's appearance at a rescheduled hearing.

Upon completion of the examination of the judgment debtor, the bail posted shall be exonerated unless the Court orders otherwise.

(c) *Judgment Against Garnishee; Order to Disburse*.

(i) No judgment against a garnishee defendant, or order to pay into Court, or order to the clerk to pay out any sum received pursuant to a Writ of Garnishment, will be signed except after judgment is entered against the defendant and until the party who caused the writ to issue shall have filed proof of service and sufficient time shall have elapsed as provided by statute. (RCW 6.27).

(ii) The pattern form of "Judgment and Order to Disburse on Answer of Garnishee Defendant", as proposed by the Office of the Administrator for the Courts of the State of Washington, is hereby adopted for use in Clark County District Court as modified to include a provision for disbursement. Failure to follow such form may be grounds for denial of the order.

[Amended June 20, 2006]

III. SMALL CLAIMS RULES

LSC 1 - COUNTERCLAIM

The defendant may counterclaim against the plaintiff for an amount up to the jurisdictional limit provided in RCW 12.40.010. The defendant must notify the plaintiff of such a counterclaim prior to pretrial conference date unless waived by the Court.

[Amended May 6, 2015; July 1, 2020]

LSC 2 - MOTION TO SET ASIDE DEFAULT JUDGMENT

(1) Filing. A party may file a motion to set aside a default judgement or dismissal entered at the time of the pretrial conference, mandatory mediation or trial for failure of such party to have appeared as required. The motion shall set forth "good cause" reasons for having failed to appear.

(2) Time for Motion. The written motion must be filed within 30 days of entry of such default.

[Amended May 5, 2002; June 28, 2017; July 1,2020]

LSC 3 - CLERK'S DISMISSAL

In all small claims cases wherein there has been no action of record during the preceding 12 months, the clerk of the Court shall mail notice to the parties that the case will be dismissed by the Court for want of prosecution unless within 30 days following the mailing, action of record is made or an application in writing is made to the Court and good cause shown why it should be continued as a pending case. If such application is not made or good cause is not shown, the Court shall dismiss each such case without prejudice. The cost of filing such order of dismissal with the clerk shall not be assessed against either party.

LSC 4 - SMALL CLAIMS PRETRIAL AND MANDATORY MEDIATION

A pre-trial conference and mediation are mandatory before a trial is allowed in small claims court. Mediation will be scheduled at the time of the pretrial conference. Both parties must attend both the pretrial conference and mediation. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear, their answer, if one was filed, may be stricken and a default judgment entered. Parties should bring their evidence to the scheduled mediation but may not bring witnesses. The purpose of mediation is to settle the case if possible. If no settlement is made at mediation, the case will be set for trial. Neither attorneys nor paralegals may represent parties at mediation.

(1) The results of mediation shall be reported to the court as either "settled" or "not settled."

(2) If a case is reported as "settled," the terms of the agreement, including a date of final compliance, shall be signed by the parties and filed by the mediator with the clerk of the court within 10 judicial days. The agreement must include a provision addressing disposition should a party fail to comply with the agreement.

(a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.

(b) Should the creditor fail to file a report of compliance or noncompliance within 30 days after the final date for compliance or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.

(c) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.

(3) If the parties are not able to settle a mediated case, the case will not be required to arbitrate.

[Amended September 1, 2019; July 1,2020]

IV. CRIMINAL RULES

LCRRLJ 2.1 - COMPLAINT-CITATION AND NOTICE

(1) Citation and Notice to Appear

(a) Mandatory Appearance for Alcohol Violators. A defendant who is charged with an offense involving alcohol as defined in RCW 46.61.502, 46.61.503, and 46.61.504 shall be required to appear in person before a judicial officer within seven days from the time of arrest or issuance of a citation pursuant to RCW 46.61.50571. Appearances required are mandatory and may not be waived.

[Amended May 4, 2011]

LCRRLJ 2.2 - WARRANT OF ARREST

[Repealed June 19, 2018]

LCRRLJ 3.1 - RIGHT TO AND ASSIGNMENT OF LAWYER

(1) Assignment of Lawyer.

(a) Unless waived, counsel shall be provided to any person who is financially unable to obtain an attorney without causing substantial hardship to the defendant or the defendant's family.

(b) *Financial Screening.*

(i) The initial interview and financial screening to determine eligibility for counsel at public expense shall be conducted by the District Court. Said department shall make an immediate determination of eligibility. If a person is found to be partially eligible, a recommendation indicating this shall be completed and sent to the judge.

(ii) The District Court may perform the initial screening at any time without a referral from the Court as long as the person has not appeared in court. Once a person has appeared, screening may be done upon proof change in financial situation.

(iii) If at any time it appears that a person has retained private counsel, has funds sufficient to do so, or is otherwise not eligible for defense services, the appointed attorney may notify the Court and ask its guidance. Conversely, if it appears that counsel previously retained by a person has withdrawn, or that a person thought to have funds sufficient to obtain private counsel is not in fact able to do so, the defendant may be referred for a redetermination of eligibility.

(c) *Reimbursement of Attorney Fees.* In no case shall appointed counsel set or attempt to obtain reimbursement for the costs of defense services.

[Amended September 1, 2018; Amended July 1, 2020; Amended September 1, 2021]

(2) Withdrawal of lawyer.

(a) *Duties of attorney before withdrawal.*

(i) Before asking permission to withdraw from the court, or filing a notice of withdrawal, counsel of record should attempt to determine whether or not a client who has been sentenced, or who is facing sentencing, intends to pursue an appeal of his or her conviction.

(b) Upon being notified that a client who has been sentenced or is facing sentencing wishes to file an appeal, the attorney of record shall do the following before withdrawing from the representation:

(i) Prepare and file the notice of appeal in the form prescribed by the court rule.

(ii) In the case of an indigent client, prepare a motion and order in forma pauperis (IFP), providing for the preparation of the record, and transmittal of clerk's papers at public expense, waiving the filing fee for the appeal, and providing for appointment of new counsel on appeal. This order should be presented to the sentencing court, and filed with the clerk by the withdrawing attorney. The order shall require the clerk of the court to promptly notify new counsel of the appointment for the appeal.

(iii) Present and file an order setting conditions of release on appeal.

[Adopted February 15, 2005]

(3) Services Other Than a Lawyer

(a) Pursuant to the authority under CrRLJ 3.1(f) all requests for expenditure for investigative and expert services for State cases and City of Vancouver cases are hereby delegated to the Clark County Indigent Defense Coordinator and the City of Vancouver Indigent Defense Coordinator respectively.

[Adopted April 26, 2007; Amended May 22, 2013]

LCRRLJ 3.2 - PRETRIAL RELEASE

(1) Personal Recognizance.

(a) The arresting officer shall indicate "to be set" in the space for court date on the citation for any defendant detained at the jail for a misdemeanor or gross misdemeanor. The exception to this occurs when the arresting officer releases the defendant on personal recognizance. In such cases, the officer shall specify a return date for appearance in court as specified in the District Court bail schedule.

(b) If jail supervisory personnel grant recognizance to a defendant, the defendant shall be given an appearance date as specified in the District Court Bail Schedule that is at least twenty-four (24) hours after release.

[Amended September 1, 2018]

(2) Bail.

(a) Misdemeanor bail shall not be combined with felony bail. If cash is received, it shall be kept separate. If a bail bond agent posts bail, he or she shall post separate bonds. A separate bond shall be posted for each new complaint.

(b) If someone other than the defendant posts cash bail, the person receiving the bail shall obtain the correct name and address of the payer.

(c) A defendant who is released on bail shall be given an appearance date as specified in the District Court bail schedule.

(3) Bail Schedule. The Court shall periodically publish a bail schedule which will include any bail schedule and penalty promulgated by the Supreme Court of the State of Washington. The schedule will also include appearance days and times.

Said schedule shall be provided to all law enforcement agencies within the county.

Said schedule shall have the force and effect of local court rule for all the courts under the authority of the District Court of Clark County.

(4) Forfeiture. A copy of the Notice of Trial Setting shall be furnished to the bail bond agent for a defendant. If the defendant fails to appear as directed by the Court, a bail forfeiture shall be immediately issued. The bail bond agent shall have 60 days to locate the defendant. At the end of the 60 days, the full amount of the bond shall be due.

[Amended September 1, 2018]

(5) Motion to Stay Forfeiture. When a Motion to Stay Bail Forfeiture is filed, the Clerk of the District Court shall certify the motion to Superior Court and notify the parties of the certification.

LCRRLJ 3.3 - TIME FOR TRIAL

(1) Continuances. All motions for continuance shall be heard by notice and citation on the appropriate motion docket. Only in extreme emergencies shall the presiding judge or the trial judge consider a motion for continuance without the proper notice and citation.

LCRRLJ 3.4 - PRESENCE OF THE DEFENDANT - VIDEO CONFERENCE PROCEEDINGS

(1) Pursuant to CrRLJ 3.4 (d), the court finds good cause to require the defendant's presence for the following necessary hearings:

(a) Mandatory pretrial hearings. The court finds good cause to require the presence of all defendants for Mandatory pretrial hearings to assign a trial date, conduct omnibus, schedule pre-trial motions and/or resolve the case.

(b) Motions for continuance of trial date and waiver of speedy trial rights. The court finds good cause to require the presence of all defendants for Motions for continuance and waiver of speedy trial rights. A continuance is a critical stage of the proceedings and the defendant has the right to appear. A defendant has a constitutional right to a speedy trial and has a right to approve a waiver of speedy trial or object to resetting a trial outside of speedy trial.

(c) Firearm surrender compliance reviews. The court finds good cause to require the presence of all defendants at compliance hearings pursuant to RCW 9.41.801. Verification of timely compliance with the statue has public safety implications.

(d) Competency proceedings. The court finds good cause to require the presence of all defendants at competency review hearings. A determination of competency and verification the defendant has attended their competency evaluation as ordered has public safety implications and is necessary to ensure the case proceeds to resolution.

(e) Pretrial release violations. The court finds good cause to require the presence of all defendants for hearings pursuant to CrRLJ 3.2 (j) to modify release conditions or revoke release on personal recognizance. A defendant has a due process right to be advised of the allegations of non-compliance with release conditions and to have a hearing regarding those allegations. The court cannot conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.

(f) Evidentiary hearings conducted pursuant to CrRLJ 3.5 or CrRLJ 3.6. The court finds good cause to require the presence of all defendants for hearings pursuant to CrRLJ 3.5 and CrRLJ 3.6. A defendant has a due process right to appear and must be informed of their right to testify at the hearing.

(g) Motions in Limine. The court finds good cause to require the presence of all defendants at hearing on motions in limine. Motions in limine represent a critical stage of the proceedings and the defendant has a right to appear.

(h) Trial Readiness hearings. The court finds good cause to require the presence of all defendants for trial readiness hearings for the Court to properly manage the District Court trial calendars. The court cannot properly assess the readiness of the parties to proceed to trial in the defendant's absence. Leaving continuances, dispositions and confirmation of cases to the assigned trial date would unreasonably congest the trial calendar, preclude the Court from determining the need for jurors, impede the timely commencement of trials and prevent the Court from fulfilling the responsibility to protect the time for trial rights of the parties.

Defendants represented by counsel may waive their appearance at trial readiness if the defendant's counsel affirms, in writing or in open court (a) the defendant has expressly chosen to appear through counsel, as allowed by CrRLJ 3.4(a), and (b) that counsel has affirmatively determined with the defendant the matter is ready to proceed to trial as scheduled.

(2) The court retains the right to require the defendant's presence at any given stage of the proceedings based on a finding of good cause.

(3) All in-custody arraignments, bail hearings and trial settings may be conducted via video conferenced pursuant to CrRLJ 3.4. Consent to proceed via video conference will be implied for all other hearings, excluding trial, unless an objection is made before or during the hearing. However, this consent will not be implied if the defendant is not accompanied or represented by counsel at the hearing A defendant who is not accompanied or represented by counsel must affirmatively give consent on the record to proceed via video conference.

[Adopted October 1, 2004; Amended June 28, 2017; Amended September 1, 2021]

LCRRLJ 4.1 - ARRAIGNMENT

(1) Appearance by Defendant's Lawyer. Attorneys at law, admitted to practice in the State of Washington, may enter a plea of not guilty in writing on all cases filed in the District Court. Defendants are required to appear in person for driving under the influence and domestic violence arraignments.

[Adopted March 12, 1997: Amended September 1, 2019]

LCRRLJ 4.11 - PRETRIAL CONFERENCES

[Repealed March 12, 1997]

LCRRLJ 4.12 - READINESS HEARINGS

[Repealed March 12, 1997]

LCRRLJ 4.5 - PRETRIAL PROCEDURES

(1) Mandatory Pretrial Hearing.

(a) In all cases in which a defendant has entered a plea of not guilty, a pretrial hearing shall be set approximately 45 days after arraignment. Said hearing shall provide an opportunity for plea negotiations, omnibus, resolution of discovery issues, and trial setting. Following the hearing, if a plea is not negotiated, an order shall be entered setting forth the following: (i) discovery schedule, (ii) date and nature of pretrial motions, (iii) date of readiness hearing, (iv) date of trial and (v) time for filing witness lists.

(b) The prosecuting attorney/city attorney, defense attorney, and defendant shall be required to attend the pretrial hearing. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bail or bond.

(2) Readiness Hearing. The prosecuting attorney/city attorney, defense attorney and defendant shall appear in court on the date scheduled for readiness hearing to confirm their readiness to proceed with the scheduled trial. In the event the defendant fails to appear, the jury shall be canceled, a bench warrant may be issued, bail or bond may be forfeited, and costs

may be imposed at the discretion of the court. In the event the defendant waives the jury trial subsequent to the readiness hearing, costs may be imposed at the discretion of the court.

[Amended September 1, 2018; Amended September 1, 2021]

LCRRLJ 4.8 - SUBPOENAS

[Repealed September 1, 2018]

V. INFRACTION RULES

LIRLJ 2.4 - RESPONSE TO NOTICE OF INFRACTION

(1) Generally. A person who has been served with a notice of infraction must respond to the notice within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(2) Alternatives. A person may respond to a notice of infraction by:

(a) Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;

(b) Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law;

(c) Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law;

(d) Requesting deferred findings if the driver qualifies; or

(e) Submitting a written statement either contesting the infraction or explaining mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. For contested hearing, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

_____ _____

(Date and Place) (Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

_____ _____

(Date and Place) (Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

(3) Method of Response. A person may respond to a notice of infraction either personally, by mail or by e-mail. If the response is mailed or e-mailed, it must be postmarked or e-mailed not later than midnight of the day the response is due.

[Adopted November 18, 2009; September 1, 2018]

LIRLJ 2.6 - INFRACTION HEARINGS

(1) Decisions on Written Statements. Mitigation hearings shall generally be held in open court. The procedure set forth in IRLJ 3.5, allowing decisions on written statements is authorized.

[Adopted March 4, 1998; Amended May 5, 2002]

LIRLJ 3.5 - DECISION ON WRITTEN STATEMENTS

(1) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(a) *Factual Determination.* The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(b) *Disposition.* If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule IRLJ 3.3.

(c) *Notice to Parties.* The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(d) *No appeal Permitted.* There shall be no appeal from a decision on written statements.

(2) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

[Adopted November 18, 2009]

(3) Telephonic or Video Conference Mitigation Hearings.

(a) Defendants may appear at mitigation hearings by telephone or video conference in lieu of an in-person appearance upon request. Defendants must contact the court no later than 48 hours prior to the scheduled hearing to make this request and provide current contact information.

(b) Telephonic or video mitigation hearings shall be conducted on the record and the defendant will be advised that the hearing is being recorded. The court will advise the defendant on the record and in writing, by mail or e-mail, of its decision and any penalty imposed.

[Adopted June 30, 2020]