LOCAL COURT RULES
OF
DOUGLAS COUNTY
DISTRICT COURT

Effective September 1, 2020

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INTRODUCTORY

Promulgation. These rules shall be known as the Local Rules for the District Court of the State of Washington for Douglas County. These rules will be effective September 1, 2020 and supersede all prior rules of this court. The provisions of these local rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction, and shall not be construed in conflict with them.

(Effective September 1, 2008)

ADMINISTRATIVE RULES

LARLJ 9(g)

DISCLOSURE OF PUBLIC RECORDS

Access to confidential records is strictly limited to persons or entities authorized by statute or court order to obtain such records. Request for access to court records shall be made in writing on the form provided by the Court and shall be granted or denied only by a judge, or designee, who shall state the reasons for denial in writing. Any person objecting to a denial of access may file a Motion for Reconsideration with supporting affidavit. Costs of researching, copying and transcribing shall be paid in advance by the person or entity asking for such copies. No documents or electronic data may be removed from the court offices without the written order of the court.

(Effective September 1, 2008)

CIVIL RULES

LCRLJ 38

CIVIL JURY TRIAL

(A) Demand. The request for jury trial in civil cases shall be made by filing a demand with the clerk and paying the jury fee not later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(B) Imposition of costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any

event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex parte, and enter any appropriate order including striking the jury demand and may impose terms. Insofar as practicable the conference shall deal with any matter cognizable by Superior Court Rule CR 4.5, and failure to raise that matter may result in the waiver of the same.

(Effective September 1, 2008)

LCRLJ 54

ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

$1.00	to $ 999	$300
$1,000.00	to $1,500	$325
$1,500.01	to $2,000	$350
$2,000.01	to $2,500	$375
$2,500.01	to $3,000	$400
$3,000.01	to $4,000	$425
$4,000.01	to $5,000	$450

For judgments exceeding $5,000, reasonable attorney fees may be allowed of 10% of any balance over $5,000 without formal justification or documentation.

NSF checks. When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the

attorney in the case, in which case the court shall determine a reasonable fee. A reasonable handling fee awarded pursuant to 62A.3-515 shall not exceed $40 per check.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of judgment.

(Amended effective September 1, 2020)

CRIMINAL RULES

LCrRLJ 3.1(d)

RIGHT TO AN ASSIGNMENT OF COUNSEL

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services, which appear to be required by reasons of the crime charged without substantial hardship to himself or his family. Defendants who request appointment of counsel shall be required to promptly execute a financial disclosure under oath on a form supplied by the court.

Upon appointment of counsel for indigent criminal defendants, the Clerk shall promptly provide counsel with notice of the appointment.

Attorneys representing defendants in criminal cases must serve prompt written notice of their employment upon the prosecuting attorney and file the same with the clerk of the court. The attorney must certify to the court that he or she complies with the applicable Standards for Indigent Defense approved by the Supreme Court.

(Amended effective September 1, 2020)

LCrRLJ 3.1(e)

WITHDRAWAL OF ATTORNEY

Whenever a case has been set for trial, no lawyer shall be allowed to withdraw except upon the consent of the court for good cause shown and upon the substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer. Consent may be denied if necessary to prevent a continuance.

Court appointed counsel shall be automatically terminated as counsel of record upon the following:

(1) entry of an order for bench warrant;

(2) entry of a sentence following a plea of guilty;

(3) at the conclusion of the 30-day appeal period following sentencing as a result of conviction after trial; or

(4) entry of an order deferring sentencing, a dispositional order of continuance (SOC), an order deferring prosecution, or any final disposition which is appealable provided that; in cases involving a subsequent hearing as a direct consequence of the sentence, such as a restitution hearing, representation will terminate upon completion of such hearing.

(Effective September 1, 2020)

LCrRLJ 3.3

CONTINUANCES

After the first court appearance by defendant all requests to continue a pre-jury trial conference, pre-trial hearings, motion or trial will require a written order of continuance signed by both parties and submitted to the judge for approval. No continuance will be accepted after noon on the day before the law and motion calendar. The court will not continue the trial or hearing date beyond the CrRLJ 3.3 dates without a speedy trial waiver.

Requests for continuance of probation compliance review, motion to revoke deferred prosecution, or probation violation hearing may be submitted by letter or motion to the court for consideration off the record.

(Amended effective September 1, 2020)

LCrRLJ 4.1(d)

CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignment; and the court shall determine the necessity of imposing conditions of pre-trial release.

(Effective September 1, 2008)

LCrRLJ 4.2

DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to readiness hearing unless good cause exists for delay. The petition and the accompanying declarations shall be in a form set forth in CrRLJ 4.2. A complete copy of the police report of the defendant's conduct giving rise to the charge shall be attached to the petition. The Order for Deferred Prosecution shall provide supervision for 60 months, completion of a treatment plan, payment of costs, abstinence from consumption of alcohol and non-prescription drugs, no traffic offenses, a requirement that all vehicles driven by the defendant be equipped with an ignition interlock device as required by statute and no driving without a proper license and insurance. Other conditions of supervision may be imposed in the court's discretion.

(Amended effective September 1, 2020)

LCrRLJ 4.8

WITNESSES-PROCESS-SUBPOENAS

When application is made for a subpoena for a witness residing outside of Douglas County and the Greater Wenatchee area, such application shall be accompanied by an affidavit showing to the satisfaction of the court the materiality of the testimony which is expected to be obtained from such witness. The court in its discretion may waive this requirement.

Preparation of subpoenas shall be the responsibility of the applicant and shall be submitted with the application requesting issuance of the subpoena. Service of the subpoenas shall be the responsibility of the applicant.

(Effective September 1, 2008)

LCrRLJ 6.1

PRE-JURY TRIAL CONFERENCE/READINESS HEARING

6.1(a) Pre-Jury Trial Conference

In every criminal case in which the right to trial by jury has not been waived, there will be a pre-jury trial conference for the purpose of presenting and scheduling motions and for setting a readiness conference and jury trial date.

The prosecuting attorney, defense counsel and the defendant are required to attend the pre-jury trial conference, unless otherwise excused by the court. Failure of

the defendant to appear at any pre-trial hearing may result in the issuance of a bench warrant and forfeiture of bail and/or bond.

6.1(b) Readiness Hearing

A readiness hearing shall be set in all cases set for jury trial. The prosecuting attorney, defense counsel and the defendant are required to attend the readiness hearing, unless otherwise excused by the court. Failure of the defendant to appear at the readiness hearing may result in the issuance of a bench warrant, forfeiture of bail and/or bond, and striking of trial.

At the readiness hearing, the parties shall indicate their readiness for trial and advise the court of any factors affecting readiness for trial; such as, exchange of witness lists, availability of witnesses, and unresolved motions. Upon conclusion of the readiness hearing, the court will accept amendment of charges only upon good cause shown.

Any case confirmed for jury trial at the readiness hearing that does not proceed to trial, absent good cause, may be subject to sanctions as deemed appropriate by the judge, including but not limited to actual jury costs, witness fees, and terms.

(Amended effective September 1, 2020)

LCrRLJ 8.2

MOTIONS

At the pre-jury trial conference, the parties must state with specificity all motions. If the motion has not been submitted in writing with supporting memorandum of authorities before or during the pre-jury trial conference, the court will establish a briefing schedule. The court will determine if an evidentiary hearing is required and will set a time for hearing on the motion(s). If a proper motion is not received by the court 10 days prior to the scheduled hearing, the motion hearing will be stricken.

Except on good cause or as to routine matters, e.g., a motion to exclude witnesses, motions in limine and supporting memoranda, shall be filed at least one business day prior to trial.

(Amended effective September 1, 2020)

INFRACTION RULES

LIRLJ 2.4

RESPONSE TO NOTICE OF INFRACTION

The procedure authorized in IRLJ 2.4(b)(4) for responding to a notice of infraction is adopted by this court.

(Amended effective September 1, 2020)

LIRLJ 3.1

CONTESTED INFRACTION HEARINGS – PRELIMINARY PROCEEDINGS

3.1(a) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, judge pro-tem, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(b) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date.

(c) Speed Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney, or to the Court if defendant is pro-se, no less than 30-days prior to the date set for the contested hearing. The request shall be contained in a separate document clearly designated as a request for an SMD expert. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. An SMD expert called as a witness by either party may testify by telephone; however, any party intending to elicit telephonic testimony from an SMD expert shall notify the court and opposing party at least five days prior to the date set for the contested hearing.

(d) Continuances. Requests for continuances by a party or parties will require a written order, if agreed, or motion and order if the continuance is not agreed. The court will consider such request(s) in chamber and will notify the parties of its decision. No continuance will be considered or accepted by the court if the request is not received at least 48 hours prior to the date and time of the scheduled hearing.

(e) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due to that witness.

(Amended effective September 1, 2020)

LIRLJ 3.2

MOTION TO SET ASIDE DEFAULT JUDGMENT ON INFRACTION

A defendant may file a written motion on forms provided by the court to set aside a default judgment for Failure to Appear at a requested mitigation or contested hearing. The court will consider the written motion in chamber and issue a written decision. Only one motion shall be allowed on any case. A mitigation hearing may be granted upon setting aside the judgment. A contested hearing shall not be allowed unless by special written order.

(Amended effective September 1, 2020).

LIRLJ 3.3(b)(1)

REPRESENTATION BY LAWYER

At a contested hearing where an attorney has appeared for the defendant or witnesses have been subpoenaed, a lawyer representative of the Prosecutor's office shall appear. A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and clerk of the court of such representation at least seven days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate calendar. The failure to timely file a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of the notice of infraction or the date the default judgment was set aside, as required by IRLJ 2.6(a).

(Amended effective September 1, 2020)

LIRLJ 3.5

DECISION ON WRITTEN STATEMENTS MITIGATION/CONTESTED/DEFERRED INFRACTION

Defendants may submit statements by mail or email that are in accordance with IRLJ 2.4(b)(4) for mitigation or contested hearing. The clerk will schedule the hearings for in chamber review and examination pursuant to IRLJ 3.5, and the court will issue a

written decision and establish any penalty imposed. There shall be no appeal from a decision on written statements.

Defendants may submit requests and orders for deferred infractions by mail or email. The clerk will schedule the hearings for in chamber review and examination pursuant to RCW 46.63.070(5)(a) – (d), and the court will issue a written decision granting or denying the request.

(Amended effective September 1, 2020).

LIRLJ 4.2

FAILURE TO PAY

(d) Failure to make payment. Defendants who owe penalties on traffic infractions must report to the court clerk immediately after leaving the courtroom. Failure to do so may be considered a failure to pay.

(Amended effective September 1, 2008)