

GRAYS HARBOR COUNTY DISTRICT COURT
LOCAL COURT RULES

Table of Rules

I. Local Administrative Rules

LAR 5 Court Organization; Presiding Judge
LAR 11 Office Hours

II. Local Civil Rules

LCR 38 Civil Jury Trial
LCR 40 Assignment of Civil Cases for Trial
LCR 41 Dismissal of Actions
LCR 54 Attorney Fees and Costs
LCR 65 Small Claims
LCR 66 Name Changes

III. Local Criminal Rules

3. Rights of Defendants

LCrR 3.1(e) Automatic Withdrawal of Attorney Appointed at Public Expense
LCrR 3.2 Bail Schedule
LCrR 3.2(m) Bail in Criminal Cases
LCrR 3.3(h) Continuances

4. Procedures Prior to Trial

LCrR 4.5 Pre-trial Hearing
LCrR 4.8 Notification of Court and Witnesses
LCrR 4.9 Motions in Limine

LCrR 5.1.1 Jury Trial - Confirmation - Notification of Court
LCrR 5.1.2 Bench Trial - Confirmation - Notification of Court

LCrR 6.1.1 Jury Trial – Waiver
LCrR 6.1.2 Jury Instructions

7. Post-Conviction Proceedings

LCrR 7.1 Post-Conviction – Appearances

8. Miscellaneous

LCrR 8.2 Motions
LCrR 8.2(f) No Contact Orders
LCrR 8.4 Exhibits

LCrR 8.5 Return of Exhibits
LCrR 8.6 Notices – Method
LCrR 8.7 Warrants

IV. Local Infraction Rules

LIR 2.4 Time Payments on Infractions
LIR 3.3 Appearance at Contested Hearings -- Adopted September 1, 2023
LIR 3.5 Decisions on Written Statements
LIR 3.6 Notification of Court and Witnesses
LIR 6.6 Certification of Scales Used in the Measurement of Weight for Commercial Motor
 Vehicles

V. Local General Rules

LGR 19 Remote Appearances – Adopted September 1, 2023
LGR 30 Electronic Filing – Adopted September 1, 2023

LAR 5 **Court Organization; Presiding Judge**

(a) Court Organization; Departments. The Grays Harbor County District Court district includes all of Grays Harbor County. Grays Harbor County District Court has two departments: Department No. 1, located in Montesano, Washington, and Department No. 2, located in Aberdeen, Washington. The district judges are authorized to hear cases in either department.

(b) Assignment and Filing of Cases by Departments.

(1) All cases filed with the Grays Harbor County District Court shall be filed, maintained and heard in the department designated by the Presiding Judge.

(2) Pursuant to a reorganization of the court in 2003, Dept. 1 will be designated as the department where all criminal cases will be filed and heard, and Dept. 2 will be designated as the department where all civil cases will be filed and heard.

(3) Either district judge may order the transfer of any case to another judge or department to assure the expeditious and efficient handling of all cases and equal distribution of the case load among the district judges. In the event of recusal or other disqualification of a department's judge, the court administrator shall cause the case to be heard by another judge, visiting judge or judge pro tempore.

[Adopted effective September 1, 1999; Amended effective September 1, 2003; Amended effective September 1, 2022.]

LAR 11
Office Hours

At least one of the two Grays Harbor County District Court departments and offices with a clerk in attendance shall be open to the public each judicial day from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

[Adopted effective September 1, 1999; Amended effective September 1, 2003; Amended effective September 1, 2019; Amended effective September 1, 2022]

LCR 26
Discovery

[Rescinded effective September 1, 2019.]

LCR 30 Depositions
Upon Oral Examination

[Rescinded effective September 1, 2019.]

LCR 33
Interrogatories to Parties

[Rescinded effective September 1, 2019.]

LCR 34
Requests for Production of Documents and Things

[Rescinded effective September 1, 2019.]

LCR 38
Civil Jury Trial

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

[Adopted effective September 1, 1999.]

LCR 40
Assignment of Civil Cases for Trial

(a) Civil Motions/Trial Setting Calendar. Civil motions and requests for trial settings shall be scheduled as follows: Dept. 2: Days and times as determined by the Presiding Judge. Contact the court office for more information.

(b) Method. A party desiring have a trial date set for a case shall file with the court and serve upon all parties a request for trial setting at least 5 days prior to the time provided by this rule for setting causes for trial. All other parties shall serve and file a similar request or appear at the date and time the cause is to be set. The initial request for trial setting shall be accompanied by a list of the names and addresses of all persons entitled to notice. All parties have the obligation to inform the court promptly of any errors or changes in this list. Each party and their attorney should include in their request for trial setting a schedule of unavailable dates.

(c) Notice to Court of Calendar and Trial Changes. Whenever a cause which has been set for trial is settled or will not be tried for any reason, or if a jury is subsequently waived, the attorneys shall immediately give notice to the court. The court may assess actual costs or other sanctions for a violation of this rule.

[Adopted effective September 1, 1999; Amended effective September 1, 2003.]

LCR 41
Dismissal of Actions

(b) Dismissal on Clerk's Motion. In all civil cases where there has been no action of record due in the twelve months just past, the clerk shall mail notice to the parties or their attorneys of record that such case will be dismissed for want of prosecution unless within thirty days following said 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 costs of filing such order of dismissal with the clerk shall not be assessed against either party.

LCR 54
Attorney Fees and Costs

(a) Reasonable Attorney Fees; Proof Required. 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 proof, which may include documentation of time and charges.

(b) Default Judgment; Fees Allowed without Justification. In appropriate cases, when a Default Judgment is entered, reasonable attorney fees may be allowed on the basis of a maximum of 50% of the first \$500 of the principal amount of the judgment, plus 10% of any balance over \$500, without formal justification or documentation.

(c) Original Note or Check Required; Offer of Settlement After Appearance or Answer. The original note and any checks sued upon shall be filed as a condition for the award of reasonable attorney fees and collections costs. In all other cases where reasonable attorney fees are claimed either by virtue of a written instrument or a bona fide offer of settlement in a claim for damages, a copy of the offer of settlement together with proof of service or copy of the written instrument shall be filed. An attorney fee as provided for in RCW 4.84.250-.310 shall not be awarded upon a default judgment except when either a Notice of Appearance or responsive pleading (other than a consent to judgment) has been filed and an offer of settlement is served thereafter pursuant to statute or court rule.

[Adopted effective September 1, 1999.]

LCR 65 Small Claims

(a) Filing. Small Claims cases shall be filed on a form approved by the Court.

(b) Mediation Mandatory. Mediation is mandatory before a trial is allowed. A date for mediation will be set on or after the return calendar. All parties must attend the mediation. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, defendant's answer will be stricken and a default judgement entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to provide the parties an opportunity to settle the case if possible without a trial; if no settlement is made after mediation, the court will set a trial. Attorneys and paralegals may not represent parties at mediation. If the parties have already submitted the case to another type of mediation or arbitration service, or if the court finds good cause to waive mediation, the case may proceed directly to trial.

(c) Continuance of Mediation and Trial of Small Claim Cases. Any party requesting a continuance of a scheduled mediation session or small claim case must contact the court in writing and explain the circumstances which may require the mediation session or trial to be continued to another date and time. If all parties agree to a continuance, the court will grant the request. If all parties do not agree, the case may be continued by the Court upon a showing of good cause for a continuance. If the request is not granted by the court, the mediation and trial will proceed as currently scheduled. The Court, upon its own motion, may continue a trial for any reason.

[Adopted effective September 1, 1999; Amended effective July 1, 2007.]

LCR 66 Name Changes

(a) Separate Petitions Required. A separate petition shall be filed for each name a party wishes changed.

(b) Minors.

1) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.

2) Parental Notification. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4. Notice to the non-petitioning parent may be waived by the court for good cause.

3) Notice by Publication. Publication of a single notice in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets forth the reasons for requesting the change of name.

(c) Form of Order. An Order for Name Change should conform to the format required by Chapter 65.04 RCW to facilitate recording with the County Auditor.

[Adopted effective September 1, 1999; Amended effective September 1, 2022.]

LCrR 3.1(e)
Automatic Withdrawal of Attorney Appointed at Public Expense

Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

[Adopted effective September 1, 1999.]

LCrR 3.2
Bail Schedule

The court shall periodically publish a bail schedule, which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. The schedule will also include appearance days and times. The schedule shall be provided to all law enforcement agencies within the county. The bail schedule shall be intended as a guideline, but shall not be construed as limiting the authority of the court in individual cases to set bail in a different amount.

[Adopted effective September 1, 1999.]

LCrR 3.2 (m)
Bail in Criminal Cases

When required to reasonable assure appearance in court, bail for a person arrested for the offenses listed in CrRLJ 3.2(m) - (s) shall be the amount listed therein. The court for good cause recited in a written order may set a different amount.

[Adopted effective September 1, 1999; Amended effective July 1, 2007; Amended effective September 1, 2009; Amended effective September 1, 2019.]

LCrR 3.3(h)
Continuances

- (1) When a cause is set for trial, it must be tried or dismissed unless good cause is shown for a continuance. No trial continuance will be granted solely upon stipulation of the parties.
- (2) A motion for continuance of trial must be filed on or before the date set for jury confirmation hearing unless circumstances beyond the control of the moving party prevent such motion from being timely filed.
- (3) All written motions for continuance must be supported by a sworn statement setting forth facts supporting the motion.

[Adopted effective September 1, 1999; Amended effective September 1, 2022; Amended effective September 1, 2023.]

LCrR 4.5
Pre-trial Hearing

(a) The court should set all cases for a pre-trial hearings no later than 45 days after arraignment. The prosecutor, defense counsel and the defendant shall attend the pre-trial hearing. If the defendant fails to appear for the pre-trial hearing, a warrant for the arrest of the defendant may issue. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date.

[Adopted effective December 1, 1987; Amended effective September 1, 2001; Amended effective September 1, 2022.]

LCrR 4.8
Notification of Court and Witnesses

When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of trial, but also of continuances, pre-trial hearings, motions and other proceedings. The court will not pay witness fees to witnesses who appear for a case

that has been continued or settled without trial or hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

[Adopted effective December 1, 1987; Amended effective September 1, 1999.]

LCrR 4.9
Motions in Limine

In cases scheduled for trial by jury, all motions in limine that are reasonably expected to require more than 10 minutes of total court time shall be filed and noted according to applicable court rules and heard no less than five (5) days prior to the date of the trial.

[Adopted effective September 1, 2022.]

LCrR 5.1.1
Jury Trial - Confirmation - Notification of Court

(a) All cases set for a jury trial will also be set for a Confirmation Hearing prior to the jury trial date. The prosecutor, defense counsel and the defendant shall attend the Confirmation Hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the Confirmation Hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case 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. The court may impose terms including requiring payment of the actual costs of the jury in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 1999; Amended effective October 1, 2000; Amended effective September 1, 2009.]

LCrR 5.1.2
Bench Trial - Confirmation - Notification of Court

(a) All cases set for trial to the court without a jury may be set for a Confirmation Hearing prior to the trial date. The prosecutor, defense counsel and the defendant shall attend the Confirmation Hearing. If the defendant fails to appear for the Confirmation Hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the confirmation hearing, the court may impose terms and any other

sanctions authorized bylaw, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for trial to the court is settled or will not be tried for any reason, notice of that fact shall be given immediately to the court. The court may impose terms in the event a case settles after the Confirmation Hearing.

[Adopted effective September 1, 2003; Amended effective July 1, 2007;
Amended effective September 1, 2009.]

LCrR 6.1.1 Jury Trial - Waiver

A defendant that is charged with a criminal offense punishable by a loss of freedom should be scheduled for a jury trial, unless specifically waived by the filing of a Jury Trial Waiver prior to trial.

[Adopted effective September 1, 1999.]

LCrR 6.1.2 Jury Instructions

Proposed Instructions. Proposed instructions utilizing Washington Pattern Jury Instructions shall be submitted by each party no later than three days before trial. The proposed instructions shall be formatted to be consecutive and contiguous rather than one per page. One printed copy each of annotated proposed instructions shall be provided to the clerk, the trial Judge, and each opposing party. Any modification to the Washington Pattern Jury Instructions shall be clearly noted on the annotated copies. A digital copy of the proposed instructions without citation shall also be provided to the trial Judge in a Word or Word compatible format. The digital copy must be submitted according to LGR 30.

[Adopted effective September 1, 2022, Amended effective September 1, 2023.]

LCrR 7.1 Post-Conviction Proceedings

The defendant shall appear personally for all post-convictions proceedings unless excused by the court. An attorney may appear for the defendant at the first appearance on a petition to Revoke. If the defendant fails to appear as directed, a warrant for the arrest of the defendant may issue.

[Adopted effective September 1, 2019.]

LCrR 8.2 Motions

(a) CrRLJ 8.1(c) and CrRLJ 8.2 shall govern motions in criminal cases.

(b) How Made. The moving party shall note motions in a timely manner so that all hearings and motions (other than final pretrial motions which can be completed before the time the trial is set to begin) will be heard at least seven days prior to the date of trial. Failure to timely note motions for hearing in accordance with this rule shall be deemed a waiver of the pretrial hearing on such motions.

(c) Legal Authority in Support of Motions. Counsel shall submit briefs that specify legal authority in support of, or in opposition to, a pending motion. The brief of the moving party shall be submitted at least four days before the scheduled hearing, and the brief of the responding party shall be filed at least by noon one day prior to the day of the hearing. Copies of all motion briefs shall be submitted to the Judge who has been assigned to hear the motion.

(d) Reapplication on Same Facts. When a motion seeking relief has been refused in whole or in part or has been granted conditionally and the condition has not been performed, the same application for relief shall not be presented to another Judge without advising the second Judge of the fact that the prior motion was previously refused or conditioned.

(e) Subsequent Motion, Different Facts. If a subsequent motion for relief is made upon an alleged different state of facts, it shall be shown by affidavit what application was made, when and to what Judge, what order or decision was made thereon, and what new facts are claimed to be shown. Any order obtained in violation of this section may be set aside.

[Adopted effective December 1, 1987; Amended effective September 1, 1999; Amended effective September 1, 2022.]

LCrR 8.2(f) No Contact Orders

A request to extinguish or modify a No Contact Order in a Domestic Violence case may only be made by a party to the case or the alleged victim and must be in writing. All parties and the alleged victim must be served with written notice at least five court days before any hearing to consider such a request unless the court orders otherwise.

[Adopted effective September 1, 1999; Amended effective September 1, 2019.]

LCrR 8.4 Exhibits

(1) Digital Exhibits

- a. Audio and video recordings may not be submitted as digital exhibits without prior approval of the court. To receive approval, the party offering a digital exhibit must present it to the Court in advance of the hearing or trial with a suitable plan for displaying the exhibit and, if applicable for sending the exhibit to the jury room during deliberations. If the Court does not approve such a plan prior to the hearing or trial, the Court may deny admission of the exhibit.

- b. Absent prior Court approval, still images or other documents will not be admissible in digital form.

[Adopted effective September 1, 2023.]

LCrR 8.5
Return of Exhibits

Every exhibit in a criminal case will be returned to the party/or attorney who produced that exhibit for identification. The return shall be made upon written application, two weeks following termination of the time for appeal. Exhibits not requested to be returned during that period by the producing attorney or party may be delivered by the court clerk to the local police authority for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be withdrawn or delivered without being receipted for by the receiving party.

[Adopted effective December 1, 1987; Amended effective September 1, 1999.]

LCrR 8.6
Notices – Method

The court clerks are authorized to direct a defendant’s appearance by sending notice by mail to the defendant’s last known address or by having the defendant sign a notice of promise to appear. Court notices, orders or other documents may be sent electronically by the Clerk to any party who has agreed to accept electronic documents from the court by using the electronic address provided to the clerk. It is the responsibility of the party to maintain a current email address and an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents. Use of the Clerk’s electronic address for electronic filing will be deemed an agreement by the party to accept electronic documents from the court.

[Adopted effective September 1, 2019.; Amended effective September 1, 2023]

LCrR 8.7
Warrants

If the defendant fails to appear personally on any proceeding in which his or her presence is required under state or local rules, a warrant for the arrest of the defendant may issue.

[Adopted effective September 1, 2019.]

LR 9.1
Motions in Limine

[Rescinded effective September 1, 2022.]

LIR 2.4
Time Payments on Infractions

Any person who has been served with a notice of infraction and who desires to use option (1) as provided in IRLJ 2.4(b)(1), may arrange time payments on the monetary penalty by signing a court approved time payment agreement.

[Adopted effective September 1, 1999.]

LIR 3.1
Motions

[Rescinded effective September 1, 2019.]

LIR 3.3
Appearance at Contested Hearings

The prosecuting authority or a representative must appear at all contested hearings where the defendant is represented by an attorney.

[Adopted effective September 1, 2023]

LIR 3.5
Decisions on Written Statements

Upon the request of the defendant made in writing at least 1 day prior to the date and time set for a contested hearing, the court may consider and decide the case on the basis of written statements, according to the procedure set forth in IRLJ 3.5, as now or hereafter amended. The court may also decide cases set for mitigation hearing on the basis of written statements upon request of the defendant.

[Adopted effective September 1, 1999.]

LIR 3.6
Notification of Court and Witnesses

When a case docketed for a hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give notice of that fact to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of hearing, but also of continuances, motions and other proceedings. The court will not pay witness fees to witnesses who appear for a case that has been

continued or settled without a hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

[Adopted effective September 1, 2022.]

LIR 6.6

Certification of Scales Used in the Measurement of Weight for Commercial Motor Vehicles

(1) This rule applies only to contested hearings in traffic infraction cases.

(2) **Scale Certification.** A sworn statement setting forth the results of any inspection, test and/or certification of any scale used primarily for the purpose of measuring the weights of commercial motor vehicles will be admissible in evidence without foundation and will not be subject to objection on grounds of hearsay provided such document is maintained in a manner consistent with subsection (3) of this rule. Any party may present evidence supporting or attacking the result of any such measurement of weight or the inspection, test and/or certification of any such scale.

(3) **Maintaining Certificates as Public Records.** Any document of inspection, test and/or certification of any State scales as set forth in subsection (2) of this rule may be filed with the court and maintained by the court as a public record. The documents will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The documents are available without a formal request for discovery. The court is entitled to take judicial notice of the fact that the document has been filed with the court.

[Adopted effective September 1, 2023.]

LGR 19

Remote Appearances

(1) The Court has the discretion to refuse participants to appear by remote appearance. Any participant advised by the Court or their attorney that they must appear in person or that they are not allowed to appear remotely must personally appear before the Court.

(2) “Remote Appearance” means a video or audio appearance in which all participants can simultaneously hear and speak (when authorized by the Court). Remote appearances will be deemed held in open court when in the presence of all other participants.

(3) **Standards for Remote Appearance Proceedings.**

(a) **Decorum.** All participants are expected to follow court orders, court rules and policies on appropriate courtroom decorum during remote appearances. The Court may remove any participant for failure to follow court orders including decorum and appearances. All parties appearing remotely must remain muted unless specifically addressing the Court. All parties appearing remotely are responsible for ensuring that their video does not display material or

persons in violation of court orders, court rules, and policies on appropriate courtroom decorum during remote appearances.

- (b) **Video Appearances.** Audio and video should be of sufficient quality to ensure that the audio and video connections are clear and intelligible so that all court participants can hear and see every other court participant. It is the participant's responsibility to ensure that they have sufficient audio and video capabilities.
- (c) **Telephonic/Audio Appearances.** By prior request, the Court may allow a participant to appear remotely with only an audio connection. The connection must be of sufficient quality to ensure that telephonic/audio participants are intelligible such that all court participants can hear every other court participant.
- (d) **Court Record.** All remote appearances must be of sufficient quality to ensure a record is made. The Court may, at its discretion, order that parties appear in person if either the audio or the video connection is insufficient.
- (e) **Court Interpreter.** In interpreted proceedings, the proceeding must be conducted to assure that the interpreter can hear all participants.

- (4) Nothing in this rule will be construed to require that the Court conduct hearings through remote appearance or provide the opportunity for remote appearance except as otherwise required by law.

[Adopted effective September 1, 2023]

LGR 30 Electronic Filing

- (1) Any request for an order, ruling or relief is considered a motion.
- (2) All motions must be filed according to applicable rules for formatting and content. Parties should refrain from providing additional information for the court to consider or requesting relief through informal statements in emails if the email body itself is not the motion. Any motion submitted through an email that does not comply with applicable rules may be stricken or denied on that basis.
- (3) An electronically filed document is considered filed after it is reviewed and accepted during the Court's business hours; otherwise, the document is considered filed at the beginning of the next business day.
- (4) Motions in criminal cases or in any City of McCleary case must be emailed to ghdc1@graysharbor.us and motions in all other cases must be emailed to ghc2@graysharbor.us. Motions must be filed according to applicable rules for proper notice. Any electronic filed document must be delivered at least twenty-four hours prior to its scheduled hearing. The date and time indicated by the Court's computer will be evidence of the date and time of receipt.
- (5) The following documents may not be filed electronically and must be filed with the Clerk in paper form: criminal complaints, documents presented for filing during a court hearing or trial, negotiable instruments, and bail bonds. The Court may, with notice, require any document to be filed in paper form.

[Adopted effective September 1, 2023.]