

Jefferson County District Court Local Court Rules

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LARJ 2. SCOPE OF RULES AND ADOPTION

- (a) Effect of Local Rules. These rules shall be known as the Local Rules for the District Court of the State of Washington for Jefferson County. These rules will be effective September 1, 2021 and will supersede all prior rules of the court. These rules conform, to the extent possible, with the numbering system and in the format to the rules adopted by the Supreme Court of the State of Washington for the courts of limited jurisdiction.

The provisions of these local rules are supplement 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.

- (b) Adoption and Amendments. These rules are adopted and may be amended from time to time in accordance with GR 7, CRLJ 83, CrRLJ 1.73 and IRLJ 1.3. The court may modify or suspend any of these local rules in any given case upon good cause shown or upon the court's own motion.

Amended 05/21/2021

~~LARL 9. DISCLOSURE OF RECORDS~~ Rescinded

Rescinded 05/21/2021

LCRLJ 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Filing

- (1) Motions. No motion for any order shall be heard unless the papers pertaining to it have been properly filed with the Clerk.

(b) Documents not to be filed:

- (1) Interrogatories and depositions without written permission of the Court, unless necessary for the disposition of a motion or objection.
- (2) Unanswered requests for admissions unless necessary for the disposition of a motion or objection.
- (3) Photocopies of reported cases, statutes, or texts, whether appended to a brief or other pleading, shall not be filed but may be furnished directly to the Judge hearing the matter.
- (4) Documents or copies thereof which should be received and/or admitted as an exhibit rather than included in the court file.
- (5) Requests for discovery and/or answers 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 fact in violation of Section 4.84.280 of the Revised Code of Washington prior to the completion of trial. A violation of this order shall result in the denial of attorney's fees. (See LCRLJ 68)

(d) Service by Facsimile. See GR 17. Service by facsimile shall be allowed only under the following conditions:

- (1) The party or attorney of record to whom service is delivered has a publicly available fax number or has given written consent to receive fax service to the sending party or attorney.
- (2) The attorney or party sending the document via fax shall retain the original signed document until 60 days after completion of the case. Document to be transmitted by fax shall bear the notation: "SENT on (DATE) VIA FAX FOR FILING IN COURT."
- (3) Documents transmitted by fax shall be letter size (8.5" by 11".) Documents over 10 pages in length may not be served by fax without prior approval of the receiving party.
- (4) Any document transmitted by fax must be accompanied by a fax transmittal sheet in a form that includes the case number (if any), case caption, number of pages, the sender's name, and senders voice and facsimile telephone numbers. Transmittal sheets are not considered legal filings.
- (5) A document transmitted directly to the receiving party shall be deemed received at the time the receiving party's fax machine electronically registers the transmission of the first page, regardless of when the final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely

transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as on original document.

(e) Service by email. See GR 30.2(d)

Amended 05/21/2021

LCRLJ 40. ASSIGNMENT OF CASES

(a) Methods.

(1) Note for Trial Setting. Any party desiring to bring any issue to trial may note the matter on the civil motion calendar. The Court Administrator or designee shall schedule all trial dates. The party desiring to set a civil case for trial shall file with the Court and serve upon the opposing party a Note for Trial Setting which will include not less than three (3) proposed dates during which the matter can be tried. If any of these proposed dates are satisfactory to the opposing party, he or she will notify the Court Administrator or designee within five (5) days of receiving the Note for Trial Setting and trial shall be set for that date.

(2) Attendance at Trial Setting - Contested Setting. If setting of trial date is contested, the trial setting shall be presented to the court for assignment of trial date.

(3) Stipulation for Trial Date. At any time that all counsel can agree on an available trial date from the calendar, they can indicate their agreement to the clerk of the court on the Note of Trial Setting form.

(4) Priority Setting. To obtain a priority civil setting, the requesting party shall note the matter for trial setting, as set out above, indicating that a priority setting is requested. Any priority setting shall be supported by an affidavit which sets out the basis for the request. No case shall be set as a priority without court order.

(5) When a case is not tried on the date set, the parties are responsible for re-noting the matter for trial setting.

(b) Continuances.

(1) Trials - Written Motion. All requests for a continuance shall be presented by written motion and affidavit after notice to the opposing party or by stipulation and agreed order. If there is no agreement by the parties, the court will grant a continuance only upon a showing of good cause. Twenty-four (24) hours prior notice to the opposing party will meet the requirements of this subsection. Except where the case has been preempted or where the order of continuance recites the new trial date, no case will be reset until the order of continuance has been filed.

(2) Good Cause. The following shall be examples of good cause:

- (i) Illness.
- (ii) Unavoidable, unforeseen conflicts.
- (iii) Unforeseen unavailability of witnesses.
- (iv) Lack of discovery when caused by the opposing party's conduct or newly discovered evidence requiring investigation.

(3) Payment of Terms and Costs. If a continuance is granted it shall be upon the condition that the moving party shall pay all appropriate costs and terms reflecting inconvenience to others occasioned by the continuance.

(4) Emergency Suspension. The court may, in cases of emergency, suspend the requirements set forth in this rule and require such verification as is reasonable.

(c) Motion Setting - Civil.

(1) Filing Note for Hearing. The Note for Hearing – Issue of Law must be served and filed no later than ten (10) days prior to the hearing (CRLJ 6 and CRLJ 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. In the event a motion, or one continued from a prior date, is to be argued, counsel for the moving party shall notify the District Court Civil Clerk by 12:00 Noon, two (2) days before the hearing. Failure to comply with the provisions of this rule shall result in the motion being stricken from the motion calendar.

(2) Motion Setting - Summary Judgment. Motion for summary judgment and dismissal must be served and filed at least twelve (12) days prior to the hearing (CRLJ 56) and heard at least two (2) weeks prior to the date the case is set for trial. The motion shall be set in accordance with the provisions of paragraph (b) above; and a continuance may be granted only in accordance with the provisions of paragraph above.

(3) Filings of Motions. Memoranda and Affidavits -General. The moving party shall file with the Note for Hearing-Issue of Law form, the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the issue of Law form. If the responding party files a response to the issue of law, or any counter-affidavits, briefs, or memoranda of authorities, such document must be served and filed no later than five (5) days before the hearing. The responding party must also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar and imposition of terms.

(4) Length of Memoranda. Memoranda relating to motions shall not exceed fifteen (15) pages. Attached copies of foreign and federal decisions are not included in the fifteen (15) page limitation. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex parte.

(5) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be furnished to the Clerk at the time of filing for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(6) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

Amended 6/19/2019

LCRLJ 49. VERDICTS

(a) Manner of Giving Verdict.

(1) Receiving Verdict During Absence of Counsel. A party or attorney desiring to be present at the return of the verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within ten (10) minutes of telephone notice to the attorney's office, home, or other number, the Court may proceed to take the verdict in the absence of such party or attorney. In such case, the Jury shall be individually polled and the identity of any dissenting jurors recorded.

Amended 6/25/2020

LCRLJ 54. JUDGMENTS AND COSTS

(a) Demand for judgment.

(1) Method - Ex Parte Judgments and Orders. Counsel, legal interns and registered legal assistants presenting a judgment or seeking entry of an order shall be responsible to see that all papers pertaining thereto are filed and that the court file is provided to the Judge. Counsel may present routine ex parte or stipulated matters based on the record in the file by mail addressed to the Court Administrator. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.

(b) Costs - Attorney Fees.

- (1) 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 shall include documentation of time and charges. In appropriate cases, when a default judgment is entered, where authorized and instead of those statutory fees set by RCW 12.20.060, reasonable attorney's 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.
- (2) If reasonable attorney fees are requested based on a contract provision, the contract provision must be conspicuously highlighted or underlined to be readily ascertainable.
- (3) Specific citation of authority must accompany requests for reasonable attorney's fees on any basis other than contract provision.
- (4) Statutory attorney's fees may be granted when reasonable attorney's fees are not authorized. (See RCW 12.20.060).
- (5) Assigned Claims. Before costs and attorney's fees will be allowed by the Court on assigned claims, proof shall be furnished the Court that Notice and Demand for Payment of disputed amount has been sent to the defendant by the assignee, and he/she has had reasonable opportunity of not less than thirty (30) days to pay the disputed amount prior to the suit. Reasonable attorney's fees, when allowed, shall not exceed either ten percent (10%) of the disputed amount, or the statutory attorney's fee, whichever is greater unless there is documentation of time and charges. A statutory attorney's fee shall be allowed when the amount in dispute is paid any time prior to trial on assigned claims. A reasonable attorney's fee shall not be allowed absent satisfactory justification including documentation of time and charges.

(6) 'Offer of Settlement' under RCW chapter 4.84 means a written offer served in the manner provided by CRLJ 5 for service of pleadings, and in an amount as set by the pleadings. A cross-claim will be treated (between cross-claimant and cross-claim defendant) as if it were a separate action.

(7) An offer of settlement must be served after the time the answer or the response to any counter-claim has been served and no later than fourteen (14) days before the trial date. The acceptance of any offer of settlement must be served no later than five (5) judicial days prior to the trial date. An acceptance must be in writing and must be served in the same manner as is required for an offer of settlement.

(8) The offer of settlement shall be substantially in the following form:

Jefferson County District Court
State of Washington

Plaintiff)		
)		No. _____
V.)		OFFER OF JUDGMENT
)		
Defendant)		

The party named below, in total settlement of this damage action, offers to allow judgment to be entered in this lawsuit against the defendant in the sum of \$ _____, plus court costs. This offer is made pursuant to RCW 4.84.250 through RCW 4.84.300.

If you wish to accept this offer, you must do so, by written notice, to the undersigned attorney and file a copy of your response with the court named above. The response must be served within ten (10) days, and not later than five (5) days before trial.

If you do not accept this offer within that time period, and the offeror subsequently obtains a judgment which is at least as favorable to the offeror, the amount of the judgment may be increased by an award of additional costs and/or reasonable attorney's fees as authorized by RCW 4.84.250 through RCW 4.84.300, CRLJ 68, and LCRLJ 54.

Name of Offeror: _____

Date: _____

Attorney for Offeror: _____

Address: _____

LCRLJ 55. DEFAULT

(a) Entry of Default Judgment.

(5) All necessary papers required for entry of a default judgment shall be filed at the same time as the motion for default judgment, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court. Default judgments shall be subject to the following:

(6) No default judgment shall be granted except upon motion by plaintiff's counsel of record, or if none, by motion of plaintiff.

(7) No default judgment shall be granted except upon proof satisfactory to the court. The court shall require at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause:

- (i) On assigned causes of action, the assignment instrument;
- (ii) On causes of action based on a negotiable instrument, the original negotiable instrument;
- (iii) On causes of action based on a retail sales contract, chattel mortgage, or conditional sales contract, the original contract (or a copy if the original has been filed with a government agency). Where applicable, an automobile title or bill of sale must be filed;
- (iv) on causes of action based on open account where the complaint is not specific, a written statement of account setting forth all charges and credits and the dates thereof, the nature of merchandise or services furnished, and a statement of any interest or surcharges which are included;
- (v) on causes of action for rent based on an oral lease, a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs. If any claim is made for damages or repairs to premises, such claim must be itemized separately;
- (vi) on causes of action for rent based on a written lease, a copy of the lease and a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs allowed by the lease;
- (vii) on causes of action based on all other contracts, oral testimony to prove performance may be required, together with filing of a copy of the contract, if written; and filing or proving the items of account and any credits;

(viii) On causes of action for tort, the proof required shall be the same as required above for proving contract balances except that the following additional proof of the amount of damage shall be required:

Property damage may be proved by repair bills or estimates;

Loss of use claims, loss of wages, and pain and suffering shall be proved by oral testimony;

Hospital and doctor bills may be proved by written bills, whether paid or not.

(8) No judgment for interest shall be allowed unless citation to applicable authority is presented and there is on file proof of the factors necessary for computation of interest including applicable dates, rate of interest, amounts subject to interest, and a computation of the total interest claimed due.

(9) Default Judgments must be accompanied by:

(i) Affidavit of Service if not previously filed.

(ii) Proof of inquiry into military status of all defendants against who judgment is sought in compliance with the Service Members Civil Relief Act (SCRA).

(g) Collection and handling charges and attorney's fees on actions brought to collect dishonored checks shall not be allowed unless proof of the following is provided:

(1) The statutory form of notice of dishonor has been sent as required by RCW chapter 62.A-3 and a copy is filed with the court.

(2) An accounting statement, or some reasonable alternate means of determining the plaintiff's collection costs is filed with the court.

LCRLJ 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(a) A motion for reconsideration shall be submitted on brief and affidavits only, without oral argument, unless the trial judge on application from counsel or on his own motion allows oral argument. The moving party shall file the motion and all supporting affidavits, documents and briefs at the same time, and on the date of filing serve or mail a copy thereof to opposing counsel, deliver a copy thereof to the trial judge which copy shall show the date of filing. The trial judge shall either deny the motion and advise counsel of the ruling or advise counsel of desired further proceedings pursuant to CR 59 and this rule.

Amended 6/25/2020

LCRLJ 79. BOOKS AND RECORDS KEPT BY THE CLERK

(a) Other Books and Records Kept by Clerk

(1) Exhibits. Exhibits shall be kept separate from the Court file. Any inspection of an exhibit must be in the presence of a clerk unless authorized by an order of the Court.

(2) Rejection of Unsuitable Material. The Clerk shall not accept for filing in the court file, matters which should be filed as an exhibit or other material not to be included by reason of LCRLJ 5 (d) (6). When the Clerk is uncertain as to whether a matter is suitable for filing, he/she shall seek the advice of the Judge before filing the same.

(3) Items required to be kept separate from the Court file by the Clerk's Office are as follows:

(a) Determinations of Indigency.

Amended 05/21/2021

The clerks will not search out action items. They will not search through letters, notices of appearance, requests for discovery, or other materials, to locate possible requests for action, such as: preservation of jury trial, or non-waiver of 60/90 day rule (this needs a request to set within the correct time, see CrRLJ 3.3), or concern with witnesses.

Amongst CrRLJs impacted by this rule are:

CrRLJ 1.5 Style and Form

CrRLJ 3.3(e) Objection to Arraignment Date

CrRLJ 3.3(f) Setting of Trial Date ... Waiver of Objection

CrRLJ 4.3 Joinder of Offenses and Defendants

CrRLJ 4.3.1 Consolidation for Trial

CrRLJ 4.4 Severance of Offenses and Defendants

CrRLJ 4.7 Discovery (regulation of, not requests for)

CrRLJ 4.8 Subpoenas

[Effective September 1, 2012]

~~LCrRLJ 2.3. SEARCH AND SEIZURE~~ Rescinded

Rescinded 05/21/2021

~~LCrRJ 2.5. PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICES TO APPEAR~~ Rescinded

Rescinded 05/21/2021

LCrRLJ 3.2. RELEASE OF ACCUSED

(a) Uniform Bail Schedule. The District Court shall follow the bail schedule set forth in CrRLJ 3.2 (o).

(b) Release of Intoxicated Persons. No person issued a citation and/or arrested for the crime of Driving While Intoxicated or Being in Physical Control of a Motor Vehicle While Intoxicated shall be released on bail prior to appearance in court unless:

- i. The person has no known prior alcohol or drug related driving offenses;
- ii. The person has been under the observation of the jail staff and provides a Portable Breath Test (PBT) that results at .000. Person under the age of eighteen shall only be released to a parent, legal guardian, or the department of social and health services. If the defendant cannot meet the criteria, he/she shall be held until the next arraignment calendar when the Court will address bail.

(c) Domestic Violence Offenses.

(1) No person issued a citation and/or arrested for a domestic violence offense shall be released on bail prior to appearance in court. At the time a person is booked into jail for a domestic violence offense, a Pre-Arrestment Domestic Violence No Contact Order prohibiting any contact with the protected person, including contact through third parties, shall issue. This order shall terminate at initial appearance or within 72 hours of issuance, whichever is sooner.

(d) Return of Case Bail. The court may apply cash bail posted in the defendant's name to pay the defendant's fines, penalties, and costs on the present case or on any past due obligations to the court.

Amended 05/21/2021

~~LCRL 3.3 TIME FOR TRIAL~~ Rescinded

Rescinded 05/21/2021

LCrRLJ 4.1 PROCEEDINGS BEFORE THE JUDGE APPEARANCE - BAIL

(a) Appearance by Defendant's Lawyer.

(1) Retained attorneys or public defenders who have assumed representation of defendants must promptly serve written notice of their appearance upon the Prosecuting Attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(2) A lawyer may enter an appearance on behalf of a client and waive the presence of the defendant at arraignment, except in cases in which the docket or charging document states that one or more of the charges involves DUI, Physical Control, Minor DUI, Reckless Driving, Reckless Endangerment, Assault 4th degree with Sexual Motivation, any Domestic Violence Charge, including, but not limited to, Assault 4th DV, Malicious Mischief DV, Harassment, Violation of an Anti-Harassment/No Contact Order, Stalking, or Harassment, whereupon the defendant's presence is mandatory and cannot be waived.

Amended 05/21/2021

LCrRLJ 4.5. PRETRIAL HEARING

- (a) At arraignment a defendant shall be given a confirmation and jury trial date in all criminal cases.
- (b) All parties shall be expected to have exchanged discovery by the confirmation date. Parties shall discuss the need for hearing any motions, including but not limited to CrRLJ 3.5, 3.6, and Knapstad motions.
- (c) At confirmation the parties must resolve the case or advise that the case is ready for trial, at which time, motions in limine will be set and a trial date will be confirmed.

CONFIRMATION HEARING AND TRIAL

- (a) Failure to Appear at Confirmation Hearing. If the defendant fails to appear, the court will strike the jury panel. All other hearings shall remain as calendared.
- (b) Procedure at Confirmation Hearing. At the trial confirmation hearing, the judge may inquire as to whether the case is expected to go to trial, whether the defendant expects to waive his/her right to jury, the number of witnesses expected to be called, the anticipated length of the trial, the number and nature of any motions and any other matter necessary to administer the trial efficiently. Any anticipated probation should be brought to the Court's attention. The court will not continue a trial date unless a defendant has appeared in person, virtually or by Counsel, with a waiver. Any continuances of a trial date will require a waiver of speedy trial.
- (c) If the Defense and Prosecutor declare ready for trial, a Motion in Limine/3.5/3.6 hearing will be set prior to the date of trial. Failure of the Defendant to appear at this hearing will result in cancellations of the jury panel. The trial date will remain set. Motion to continue the trial date will not be entertained at this date unless the Defendant has appeared. Any motions to determine if this hearing is a necessary hearing must be heard at confirmation.
- (d) If an attorney waives arraignment at time of Notice of Appearance, a confirmation and trial date will be set and notice sent to the Attorney. The attorney is responsible for notifying the defendant of the dates set.
- (e) If a defendant has made a waiver indicating a wish to appear through counsel, no continuances will be granted base on absence of the defendant.

SELECTING THE JURY

- (a) In criminal cases set for jury trial, it is mandatory that the attorneys, or defendant in a pro se case, notify the court at confirmation hearing whether or not they will proceed to jury trial. If the trial is cancelled at a party's request following confirmation hearing, terms may be assessed against the attorneys or party in an amount equal to the cost of summoning a jury panel.

LCrRLJ 4.10 – MATERIAL WITNESS

(d) Procedures for Obtaining Expert Services

Motions seeking an order for expert or other services may be made according to CrRLJ 3.1. The motion for expert or other services should include the following:

- The expert service sought and the legal authority in support of the motion;
- An affidavit of indigency from the client;
- An affidavit from Counsel which must include:
 1. The Expert's Curriculum Vitae and detailed fee schedule
 2. Counsel's opinion that the services are necessary to the preparation of a defense and the defendant is unable to pay them (CrRLJ 3.1(f) (2)
 3. Counsel's opinion that the fees paid are "reasonable compensation" for the services. CrRLJ 3.1(f)(3).

The affidavit from Counsel should include:

1. A statement setting forth counsel's experience in criminal law;
2. A brief statement of the facts of the case and the reasons an expert's services would be helpful to prepare the case, or present evidence at trial.
3. What services the expert can perform and why such services are necessary to the case;
4. If services are intended for use as evidence or testimony at trial, the legal theory and supporting authority under which services/testimony would be admissible.

Adopted 05/24/2021

~~LC-RJ 6.3 SELECTING THE JURY~~ RESCINDED

RESCINDED 05/21/2021

LCrRLJ 6.13. EVIDENCE – COURT’S CUSTODY OF EXHIBITS

(a) In a criminal case every exhibit in the court’s custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of a finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentence by the court. Exhibits not returned shall be delivered by the court to the applicable law enforcement agency for disposition as abandoned property; or if contraband, for destruction.

Amended 6/25/2020

LCrRLJ 8.2 MOTIONS

- (a) Motion Day. Motions shall be noted for and will be set on a court date previously authorized by the court.
- (b) Filing of Motions, Memoranda, and Affidavits. The content and length of the Note for Hearing, Brief, Memoranda, and Affidavits are governed by LCRLJ 40 (b).
- (c) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memoranda, documents and affidavits shall be furnished by the filing party to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

Amended 05/21/2021

LIRLJ 3.5. DECISION OF WRITTEN STATEMENTS

The procedure authorized by IRLJ 3.5 is adopted by this court.

(a) Scheduling. Upon a request for a hearing, the court shall send the defendant a letter and the appropriate form. Defendant shall return the completed form to the Court. The officer will be sent notice from the Court of the defendant's request and shall submit his/her sworn declaration. The Court will decide the issue from the evidence presented and render its decision in writing by mail.

Amended 06/25/2020

LIRLJ 6.2. MONETARY PENALTY SCHEDULE

(a) Penalty for Unscheduled Infractions and Infractions Not Covered by IRLJ 6.2

A penalty schedule for persons charged with miscellaneous infractions not covered by Supreme Court Rule shall be established by local county or city ordinances.

Amended 06/25/2020

LIRLJ 6.6. SPEED MEASURING DEVICE; DESIGN AND CONSTRUCTION CERTIFICATION

- (a) Requests to produce the electronic measuring device expert shall be contained in a separate document and served on the Prosecuting Attorney with a conformed copy filed with the Clerk of the Court.
- (b) In addition to the monetary penalties permitted by IRLJ 6.2 and statutory assessments, the speed measuring device expert's costs and fees, not to exceed \$250.00, as well as statutory attorney's fees pursuant to RCW 7.80.140 shall be assessed against a non-prevailing respondent.

Amended 06/25/2020

LRSC 1. FIRST APPEARANCE

- (a) The term "appear" means personal appearance of the parties involved or virtually by approval of the court. At the first appearance, an employee or agent (not an attorney) may appear if that employee/agent has the sufficient facts in order to present the case, and is authorized to bind the party represented.
- (b) If the plaintiff and defendant both appear on the assigned first appearance date the case will be assigned a mediator and will mediate that same day. Mediation is mandatory before a trial is allowed. Parties must bring their evidence to the mediation, however, no witnesses are allowed. 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. 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, the case may proceed directly to trial. If agreement is reached the parties will sign an agreement which will be entered into the record. Parties will receive a copy of the agreement. No judgment will be entered. If the agreement is breached, the non-breaching party may return to the court for judgment after serving and filing a motion and affidavit setting forth the failure to comply with the terms of the agreement.
- (c) If the plaintiff fails to appear, a dismissal will be entered. In cases where the defendant has filed a written counterclaim against the plaintiff and proof of service is presented, the defendant may be allowed judgment against the Plaintiff on the counterclaim. Oral counterclaims are allowed only if both parties appear at the first hearing, and then only if the counterclaim arises out of the same transaction or event upon which the Plaintiff's claim is based.
- (d) If the defendant fails to appear and proof of service is presented, and if the plaintiff's testimony supports the claim, the plaintiff will be granted a default judgment against defendant up to the amount claimed and for costs. Before the default judgment is entered against the defendant, the plaintiff must provide proof of each defendant's current military status per the Service Members Civil Relief Act.
- (e) If neither party appears the case will be dismissed without prejudice.

Amended May 21, 2021 June 19, 2019

LRSC 2. TRIAL

If a trial is necessary, both plaintiff and defendant will appear, testify, call witnesses, and present exhibits for the court to consider. If it is inconvenient or overly expensive to call a witness to appear personally, affidavits of witnesses can be presented. Any affidavit expected to be considered by the court shall be served on the other party at least five (5) days (excluding Saturday, Sunday and Holidays) before the trial. A responsive affidavit may be presented at the trial. Copies of such affidavits must be made available to the other party before the trial commences. A simple "signed statement" will not be considered an affidavit and will not be accepted as evidence. The same rules apply at this hearing as applied at the first appearance if the parties fail to appear.

Amended 6/25/2020

LRSC 3. CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL.

The party requesting the continuance must contact the other party who must also agree to the continuance. Both parties must contact the court in person or by telephone. If one party will not agree to the continuance, the party seeking the continuance may make a written motion for continuance and set a hearing date prior to the scheduled mediation or trial date. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the motion to continue. At the hearing, the judge will determine whether the matter will be continued. If there are less than five days prior to the mediation or trial date to serve the opposing party, the party requesting the continuance may contact the court to explain the circumstances which require the mediation or trial to be continued. The matter may be continued by the court upon showing of good cause.

Amended 6/25/2020

LRSC 4. DISCOVERY

Discovery, if any, shall proceed in an informal manner. No formal discovery such as interrogatories, requests for production, and/or depositions shall be permitted without prior written approval of the court.

Amended 6/25/2020

LRSP 2. UNLAWFUL HARASSMENT PROCEEDINGS

(a) Jurisdiction. If the circumstances alleged in the petition for unlawful harassment meet the statutory criteria, the court shall hear the case unless the parties are already involved in a pending dissolution, dependency or paternity proceeding in which case the matter shall be transferred to Superior Court. The court may require a petitioner to appear and provide testimony prior to issuance of an ex parte temporary order.

(b) Indigent Filing. Upon request of the applicant, the Court shall assess the applicant's financial resources to determine if that individual may proceed in forma pauperis. For the purpose of determining whether grounds for waiver of the filing fee exist, the applicant must complete under oath and submit an Application for Waiver of Fees. No order authorizing waiver of the filing fee shall issue unless the mandatory financial information is submitted to the Court.

Amended 6/25/2020