

**Lewis County District Court
Local Rules**

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LLARJ 1
Scope of Rules

These rules govern the procedure in the District Court of the State of Washington for Lewis County. These rules are supplemental to the rules enacted by the Washington State Supreme Court for courts of limited jurisdiction as specifically authorized by GR 7, CRLJ 83, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion.

[Adopted 9/1/98]

LLARJ 2
Court Locations

[Rescinded 9/1/19]

LLARJ 3
Scheduling

[Rescinded 9/1/19]

LLARJ 4 [RESERVED]

LLARJ 5
Courtroom Decorum

Dress appropriately to the serious nature of the matters before the court. Shorts and other kinds of beach apparel are not appropriate. Clothing advertising drugs or alcoholic beverages are not appropriate. Hats are not to be worn in the courtroom unless required by religious custom and practice.

[Adopted 9/1/98; amended 9/1/19]

LLARJ 6
Return of Exhibits

Every exhibit admitted into evidence or marked for identification in any type of trial or other court proceeding, shall be returned to the party or attorney who produced that exhibit for identification. The return shall be made upon written application, not later than two weeks following the termination of the time allowed to take an appeal. Bulky exhibits not requested to be returned during that period may be delivered by the court clerk to the local police authority for disposition as abandoned property. If the exhibit is contraband or weapons, it shall be disposed of by destruction. No exhibit or identification shall be withdrawn or delivered without receipt being acknowledged by the receiving party.

[Adopted 9/1/98]

LLARLJ 7
Contact with Jurors

No party, witness or attorney shall have any contact with any venire person or juror pending discharge of the jury, except as authorized by the court. After the jury is discharged, a party or attorney may request to meet with jurors who are willing to meet with the party or attorney. The court, through its bailiff, will inquire if any jurors are willing to meet the parties or attorneys. No party or attorney shall enter the jury room or the adjoining corridor at any time without the authorization of the court.

[Adopted 9/1/98; amended 9/1/19]

LLARLJ 9(g)
Disclosure of Public Records

[Rescinded 9/1/19]

LLARLJ 10
Election of Presiding Judge

Before January 1 of each odd numbered year, the judges shall by majority vote elect a presiding judge and an assistant presiding judge, to serve two-year terms starting January 1 of the year after the election. In the event of an interim vacancy, the judges shall by majority vote elect a replacement within 30 days after the vacancy occurs.

[Adopted 5/1/02; amended 9/1/19]

LLCRLJ 26

[Rescinded 9/1/19]

LLCRLJ 38(h)
Civil Trial Confirmation

(a) When a case is set for trial, the judge setting the trial date in a case shall also set a date and time for a trial confirmation hearing. The date and time of the trial confirmation hearing shall be at least four (4) court days prior to the scheduled trial on the applicable calendar established for such hearings.

(b) It shall be the affirmative duty of all parties, and of their counsel, to advise the court at such hearing of their readiness to proceed to trial. Failure of a party to advise of the inability to proceed for any reason known on that date shall constitute a waiver of the right to request a continuance for that reason at a later date.

(c) The appearance of the litigants and of their counsel at trial confirmation hearings shall be mandatory unless a written confirmation of readiness on the form provided is filed with the court. Said confirmation form must be signed by a party or counsel under penalty of perjury not more than seven (7) days prior to the hearing.

(d) Failure of any party to confirm in person or in writing will cause the trial date to be stricken. Civil litigants who fail to appear or confirm will be subject to such terms and costs as the court determines to be reasonable.

(e) All motions shall be heard prior to the trial confirmation hearing. The court may allow exceptions upon a showing of good cause.

[Adopted 9/1/98; amended 9/1/19]

LLCRLJ 87
Miscellaneous Proceedings Rules

[Rescinded 9/1/19]

LLCrRLJ 3.1(g)
Waiver of Right to Counsel

[Rescinded 9/1/19]

LLCrRLJ 3.2(v)
Offenses for which Bail is not Allowed

Any person subjected to custodial arrest for the following offenses shall be held in jail without bail pending their first appearance in court:

1. Any offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent ordinance;
2. Any offense classified as Stalking under Chapter 9A.46 of the Revised Code of Washington or an equivalent ordinance;
3. The offense of Driving Under the Influence (DUI) under Revised Code of Washington 46.61.502;
4. The offense of Physical Control of Motor Vehicle Under the Influence (PC) under Revised Code of Washington 46.61.504.

[Adopted emergency rule 12/16/05; permanent rule 9/1/06; emergency amended rule 2/10/14; permanent amended rule 9/1/14; amended 9/1/19]

LLCrRLJ 3.2(w)
Bail Schedule

[Rescinded 9/1/19]

LLCrRLJ 3.6(c)
Suppression Hearing Procedure

[Rescinded 9/1/19]

LLCrRLJ 4.1(g)

Mandatory Appearance for Arraignment on all Gross Misdemeanors

A person who is accused of committing a criminal offense denominated as a gross misdemeanor by the enacting statute, and who is served with a criminal citation and notice or complaint shall physically appear before the court for arraignment on the designated date to allow for determination of probable cause and the setting of conditions of release in accordance with CrRLJ 3.4(a). Pursuant to CrRLJ 4.1(g), this court is exercising its right to eliminate the option of a defendant to waive arraignment on gross misdemeanor charges.

[Adopted 12/1/10; amended 9/1/19]

LLCrRLJ 4.3.1(d)

No Joinder of Civil and Criminal Matters

A person who is served with a criminal citation and notice or complaint, and who also receives one or more notices of infraction arising out of the same incident, shall not have the dates for hearings thereon set together. No civil matter will be set for hearing on a criminal calendar. Each type of case will be set on the specific calendar established for that type of case.

[Adopted 9/1/98; amended 9/1/06]

LLCrRLJ 4.5.1

Pretrial Procedures

[Rescinded 9/1/19]

LLCrRLJ 4.12

Duty to Notify Court and Witnesses

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of the 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 trial or hearing which has been continued or settled. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

[Adopted 9/1/98; amended 9/1/06]

LLCrRLJ 6.1.1(d)

Criminal Trial Confirmation

(a) A date and time for a trial confirmation hearing shall be assigned to each case at the time it is set for trial.

(b) It shall be the affirmative duty of all parties, and of their counsel, to advise the court at such hearing of their readiness to proceed to trial. Failure of a party to advise the court of their inability to proceed for any reason known on that date shall constitute a waiver of the right to request a continuance for that reason at a later date. This includes a party's failure to properly subpoena any witness.

(c) The appearance of criminal defendants at trial confirmation hearings shall be mandatory unless a written confirmation of readiness on the form provided is filed with the court. Said confirmation form must be signed by the defendant not more than seven (7) days prior to the hearing, and by the defendant's attorney, under penalty of perjury. The plaintiff may confirm in person or in writing on the form provided, by signature under penalty of perjury.

(d) Failure of any party to confirm in person or in writing will cause the trial date to be stricken. Criminal defendants who fail to appear or confirm in writing shall be subject to the issuance of a warrant of arrest, upon a showing of probable cause.

(e) After confirmation, the failure of a criminal plaintiff or defendant to appear at trial, or upon appearance, to be unable proceed with the trial, shall be treated as a motion for continuance, resulting in the dismissal of the jury panel, where applicable, and of the trial date. It may also constitute grounds for the issuance of a warrant of arrest, for the dismissal of the charges or for the imposition of sanctions and terms, including jury fees, against litigants and counsel.

[Adopted 9/1/98; amended 9/1/06; amended 9/1/19]

LLCrRLJ 7.2(f) Presentence Reports

In every case where the defendant has been found guilty, either at trial or by guilty plea, of the crimes of DUI, physical control, or any crime of domestic violence, a presentence report shall be automatically be ordered by the court. The court may also order a presentence report for any other crime, as it deems necessary. There shall be included in this report the results of any alcohol, drug, mental health, or domestic violence evaluations which have been ordered. Failure of the defendant to cooperate in the preparation of the report including ordered evaluations shall result in the issuance of a bench warrant.

[Adopted 9/1/98; amended 9/01/06; amended 9/1/19]

LLCrRLJ 7.2(g) Deferred Prosecution

(a) Time for Petition. A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to the trial confirmation hearing unless good cause exists for delay.

(b) Requirements for Entry of Order Deferring Prosecution. An order deferring prosecution of a criminal charge will not be entered absent sufficient evidence that the petitioner has demonstrated her/his amenability to treatment by successfully completing two months of treatment in the proposed program. Successful completion means that the petitioner is fully compliant with every requirement of the treatment program, and has remained so at all times during the two month period. The order granting such a petition will not be signed unless the petitioner is physically present in the courtroom. The requirement of the presence of the defendant is to allow inquiry of the petitioner by the court to

determine whether the petitioner is amenable to treatment and whether the court, in conformity with the statute, will grant such a petition.

[Adopted 9/1/98; amended 9/1/06; amended 9/1/19]

LLCrRLJ 7.2(h)
Stipulations and Orders of Continuance

The court shall not be a party to any form of agreement between the parties for future resolution of a case, whether designated "Agreed Order of Continuance," "Stipulated Order of Continuance" or any other name. Neither the court nor its probation department shall supervise, monitor, or oversee performance of any agreement entered into by the parties relating to such continuances. Any such agreement shall not be filed with the court except when a party seeks to enforce the terms of the agreement.

[Adopted 11/1/06; amended 9/1/19]

LLCrRLJ 8.2
Motions

(a) Bench Copies Required. A party filing a motion shall also simultaneously provide the court with bench copies of the motion and any supporting memoranda.

(b) Timing. All motions shall be heard prior to the trial confirmation hearing. The court may allow exceptions upon a showing of good cause.

[Adopted 9/1/98; amended 9/1/06; amended 9/1/19]

LLCrRLJ 8.4(f)
Deferred Prosecutions and Orders of Continuance

[Rescinded 9/1/06]

LLCrRLJ 8.5
Return of Exhibits

See LLARLJ 6

[Adopted 9/1/98]

LLIRLJ 3.2(b)
Motion to Vacate Default Judgment for Failure to Appear

A defendant, against whom judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, on forms provided by the court, requesting that the default

judgment be vacated. The motion will be set for hearing. Defendant must be present. The motion will be evaluated in conformity with CRLJ 60(b). If the court grants the motion, the matter will be set for a type of hearing requested by the defendant. Mitigation hearings may be heard at the time of the motion, if the calendar allows.

[Adopted 9/1/98; amended 9/1/06; amended 9/1/19]

LLIRLJ 3.5

Decisions and Deferred Findings on Written Statements

(a) Decisions on written statements authorized. Deferred findings, mitigation hearings, and contested hearings based on written statements, given under penalty of perjury as provided for in IRLJ 2.4(b) and IRLJ 2.6(c), are authorized. Forms for providing such written statements shall be available from the Lewis County District Court or its website and shall be submitted within the timeline provided by the court. Thereupon, the court will make its decision according to the procedures of IRLJ 3.5, considering the materials submitted both by the defendant and the State. Except as provided in subsection (c) of this rule, the court need not consider any written statement submitted later than seven (7) calendar days before the scheduled hearing.

(b) Deferred findings. The court will consider written requests to defer infractions. A defendant who wants to defer a traffic infraction by mail must complete either the Petition for Mitigation Hearing on Infraction(s) via Written Statement form or the Petition for Contested Hearing on Infraction(s) via Written Statement form. Each of the two forms contains a section in which the defendant may request a deferred finding. A defendant requesting a deferred finding shall also complete the remainder of the chosen form, either contesting or mitigating the infraction. In the event the defendant is ineligible to defer the infraction(s) or the court finds that a deferral is not an appropriate remedy for the infraction, the court will proceed with either a mitigation hearing on written statements or a contested hearing on written statements in accordance with the defendant's choice.

(c) Agreed dispositions. The court will consider written statements requesting agreed dispositions of infractions filed on or before the date of the hearing. When requested to do so as part of such a disposition, the court may set a different penalty for an unscheduled infraction than the default, as permitted by IRLJ 6.2(b).

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

[Adopted 9/1/15]