

LOCAL RULES OF THE DISTRICT COURT FOR SAN JUAN COUNTY

PREFACE - PROMULGATION AND ADOPTION

[Rescinded September 1, 2018]

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LOCAL ADMINISTRATIVE RULES

LARLJ 2. LOCATION OF PRIMARY OFFICE

[Amended September 1, 2002, rescinded September 1, 2018]

LARLJ 6. APPEARANCE BY TELEPHONE

[Amended September 1, 2019, rescinded September 1, 2021]

LARLJ 9. DISCLOSURE OF PUBLIC RECORDS

[Amended September 1, 2002, rescinded September 1, 2018]

LOCAL CIVIL RULES

LCRLJ 38. TRIAL READINESS REPORT - REIMBURSEMENT FEE

[Amended September 1, 2002, rescinded September 1, 2018]

LCRLJ 54. ATTORNEY FEES

Reasonable Fees. In civil default cases where reasonable attorney fees are authorized, the following schedule shall be deemed reasonable 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:

SCHEDULE FOR REASONABLE ATTORNEY FEES IN DEFAULT CASES

(Other than Statutory Attorney Fees)

\$1.00 to \$ 1000	\$300
\$1,000.01 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, additional reasonable attorney fees may be allowed of 5% of any balance over \$5,000 without formal justification or documentation.

[Amended September 1, 2002, amended effective September 1, 2023]

LCRLJ 56. SUMMARY JUDGMENT MOTIONS AGAINST PRO SE LITIGANTS

- (h) In all cases where a motion for summary judgment is brought against a litigant who is not represented by an attorney, the moving party must attach a copy of CRLJ 56 to the motion for summary judgment. The copy shall be attached to the motion filed with the court and the copy of the motion served on the non-moving party. In the event a copy of the rule is not attached, the motion shall be stricken subject to being re-noted without terms.

[Amended September 1, 2003]

LOCAL CRIMINAL RULES

LCrRLJ 1.1 SCOPE

[Former Rule No.1, renumbered and amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 1.6 CONDUCT OF COURT

[Former Rule 22, renumbered and amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 3.1 AUTOMATIC WITHDRAWAL OF ATTORNEY APPOINTED AT PUBLIC EXPENSE

[Amended September 1, 2003, rescinded September 1, 2018]

LCrRLJ 3.2 BAIL IN CRIMINAL AND TRAFFIC CASES

[Former Rule No.6 renumbered and amended September 1, 1997, amended effective 1 September 2010, amended effective September 1, 2018, rescinded September 1, 2023]

LCrRLJ 3.3 ADMINISTRATIVE CONTINUANCES

[Former Rules No.2 and 11 renumbered and amended September 1, 1997, amended effective September 1, 2018, rescinded September 1, 2023]

LCrRLJ 3.4 PRESENCE OF THE DEFENDANT

[Former Rules No. 5 and 16(C) renumbered and amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 3.7 PRESENCE OF THE PROSECUTOR

[Former Rule No. 3, renumbered and amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 4.1 ARRAIGNMENT

- (g) A lawyer may not enter a written plea of not guilty and waiver of arraignment 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.

If the defendant has previously appeared in person before a judge, as required by RCW 46.61.50571, and conditions of release have been ordered, then a lawyer may enter an

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appearance or a plea of not guilty and waiver of arraignment on behalf of a client.

[Former Rule No. 4, renumbered and amended September 1, 1997, amended September 1, 2002, amended September 1, 2018, amended effective September 1, 2023]

LCrRLJ 4.2 STATEMENT OF DEFENDANT ON PLEA OF GUILTY

[Amended September 1, 1997, amended September 1, 2002, rescinded September 1, 2018]

LCrRLJ 4.5 PRE-TRIAL CONFERENCE

[Former Rule 16(C), renumbered and amended September 1, 1997, amended September 1, 2002, rescinded September 1, 2018]

LCrRLJ 4.7 CHALLENGE TO BAC DATAMASTER -- SANCTIONS

[Former Rules No. 10 and 15, renumbered and amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 6.1 JURY TRIAL READINESS HEARING

A Jury Trial Readiness Hearing will be scheduled during the week prior to the Jury Term Week. The failure of the Defendant to appear at this hearing physically, remotely or through counsel (unless excused by the court) may result in the issuance of a bench warrant and the jury trial being stricken, and shall be deemed a Waiver of the Defendant's Right to Speedy Trial. At the hearing the following matters will be concluded:

1. All plea negotiations;
2. Exchange of witness lists;
3. Providing any discovery not previously completed by the Pre-Trial Conference; and,
4. Motions on legal issues arising subsequent to the Jury Pre-Trial Conference or on issues arising due to new evidence.

When a cause assigned for jury trial is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk.

[Amended September 1, 2002, amended September 1, 2018, amended September 1, 2021]

LCrRLJ 6.1.1 JURY TRIAL TERM

- (e) Jury trial terms for trials anticipated to last 2 to 3 days are scheduled to proceed on Monday, Thursday and Friday each week.
- (1) Jury trials which are anticipated to last less than 2 days may be scheduled to begin voir dire on Thursday of the trial week, in the discretion of the court, provided that motions in limine are held prior to Thursday morning.
 - (2) The court shall have authority to vary from this schedule as needed in the interests of judicial efficiency.

[Former Rule 16(A), renumbered and amended September 1, 1997, amended September 1, 2002, amended effective September 1, 2010, amended September 1, 2018, amended September 1, 2021, amended effective September 1, 2023]

LCrRLJ 6.1.2 BENCH TRIAL TERM

- (c) Bench trials will be scheduled during jury trial terms, or as approved by the court.

[Former Ride 16(A), renumbered and amended September 1, 1997, amended September 1, 2002, amended September 1, 2018]

LCrRLJ 6.13 EVIDENCE — COURT’S CUSTODY OF EXHIBITS

- (f) In a criminal case every exhibit in the court’s custody that is not contraband, and for which ownership is not in dispute, shall be returned to the party that produced that exhibit upon motion of that party and the expiration of the appeal period. Exhibits not withdrawn shall be delivered by the court to the applicable law enforcement agency for disposition as abandoned property, or if contraband, for destruction. No exhibit shall be released by the court without obtaining a receipt from the person or agency receiving it.

[Amended September 1, 1997]

LCrRLJ 6.15 JURY INSTRUCTIONS

- (a) Unless otherwise ordered by the court, proposed jury instructions shall be filed with the court and served upon opposing counsel at least 1 business day before the scheduled start of the trial. Each party shall file two original sets of instructions: one with citations and one without citations, and shall serve a copy with citations on each party. Additional instructions, which could not be reasonably anticipated, shall be served and filed at any time before the court has instructed the jury. Each proposed instruction shall be on a separate sheet of paper. The original without citations shall neither be numbered nor include citations of authority.
- (b) Instructions shall be formatted as follows (see **Appendix A** for illustration):
- a. **Layout.** All text in Arial font, size 12, single spaced with no additional paragraph spacing, margins at 1 inch on all sides.
 - b. **Heading.** Each page shall start with the first line reading, “Instruction No.,” followed by three underline characters (which will appear as “___”), aligned horizontally to the center of the page, followed by two empty lines.
 - c. **Instruction.** The text of each instruction will begin on the third line after the heading, aligned horizontally to the left side of the page. Each paragraph will start at the beginning of the line, without paragraph indent. Each paragraph will be separated by an empty line.

[Former Rule No. 16, renumbered and amended September 1, 1997, amended September 1, 2021, amended effective September 1, 2023]

LCrRLJ 7.2 SENTENCING -- EVALUATIONS

[Amended September 1, 1997, rescinded September 1, 2018]

LCrRLJ 8.2 DEFERRED PROSECUTION

(a) Deferred Prosecutions, Petition and Order:

- (1) A petition for deferred prosecution under 10.05 RCW shall be filed and served on the prosecuting attorney and District Court probation officer no later than 14 days before the date set for the pre-trial hearing, and in no event less than 14 days before the date set for trial. The petition must be accompanied by an evaluation that meets the court standards as set forth in LCrRLJ 8.13(e).
- (2) A Deferred Prosecution Pre-Sentence Evaluation must be completed with the probation department at least 5 days prior to pre-trial hearing.

- (3) No petition shall be heard without approval and recommendation from the probation department.
- (3) Petition and Order for Deferred Prosecution shall be submitted on a form approved for use by the court.
- (4) The evaluation accompanying the petition for deferred prosecution must be performed by a state-approved treatment facility and must meet the evaluation standards set forth in LCrRLJ 8.13(e).

[Amended September 1, 1997, amended September 1, 2010, amended September 1, 2018, amended effective September 1, 2023]

LCrRLJ 8.13 EVALUATIONS – GENERAL STANDARDS

- (c) Except as otherwise approved by the court, any evaluation presented to the court for consideration must meet the evaluation standards set forth in this rule.
- (d) The defendant must sign and file with the court a waiver of confidentiality on a form provided by the court, so that the court, probation officer and prosecutor may provide the evaluator with pertinent information, and the evaluator can provide evaluations and progress reports to the court, probation officer and prosecutor. The defendant must obtain a form from the court setting forth the court's evaluation standards and sign the form and file it with the court. The defendant must provide the evaluator with copies of the signed forms containing the waiver and evaluation standards.
- (e) The evaluator must meet all certification and registration requirements of the state in which (s)he practices. As part of the evaluation process, the evaluator must comply with all procedures required by the State of Washington and, in addition, must obtain and consider the following:
 - 1) The arrest and criminal history of the defendant;
 - 2) The driving record of the defendant;
 - 3) The police reports relating to the incident underlying the charges;
 - 4) Any prior relevant evaluations;
 - 5) Information from at least one collateral contact who has significant knowledge of the defendant;
 - 6) Any additional information provided by the probation officer.
- (f) Upon receipt of a request from an evaluator for information set forth in LCrRLJ 8.13(e), the prosecutor, probation officer or law enforcement agency may provide such information, provided that a proper waiver of confidentiality has been filed with the court.

[Amended September 1, 1997, amended effective September 1, 2023]

LOCAL INFRACTION RULES

LIRLJ 3.1 (b) CONTESTED HEARINGS - PRELIMINARY PROCEEDING -- DISCOVERY

[Amended September 1, 2002, rescinded September 1, 2018]

LIRLJ 3.2 MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FTA

- (b) A defendant against whom a 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 judgment be set aside. The motion will then be presented to the court ex parte for determination. If, upon review, the court feels that a hearing upon the motion is necessary, the matter shall be set for hearing. If a hearing is set, defendant must be present in person, by telephone, or by video, or appear through counsel. The motion will be evaluated in conformity with CRLJ 60(b). If the court grants said motion, the matter will be set for a hearing of the kind requested by the defendant. Mitigation hearings may be heard at the time of the motion if the calendar allows.

[Amended September 1, 2002, amended effective September 1, 2023]

LIRLJ 3.5 DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings based on sworn written statements, as provided in IRLJ 2.4(b)(4) and IRLJ 2.6 and IRLJ 3.5 are authorized.

[Amended September 1, 2002, amended September 1, 2021]

LIRLJ 3.6 DEFERRED FINDINGS

To enter a deferred finding, the defendant must complete the written request form provided by the court and pay an administrative fee in full prior to entry of the deferred finding.

- (a) **Administrative Fee.** The base administrative fee shall be \$150; if the citation includes more than one infraction, an administrative fee of \$50 will be charged for each additional count.
- (b) **Additional Documents Required.** The following documents must be included with the written request for some types of infractions:
- a. If the infraction is in a construction or speeding zone: a written statement that specifically describes why entry of a Deferred Finding is justified;
 - b. If the defendant is an out-of-state resident: a current copy of the defendant's home state driving record;
 - c. If the infraction is Operating a Motor Vehicle without Insurance, RCW 46.30.020, or No Valid Operator's License with Valid Identification RCW 46.20.015: a copy of valid insurance or a valid driver's license;
- (c) **Traffic School – When Required.** If the defendant was under 21 years of age at the time of the infraction, or the infraction involved a collision, the court will require the defendant to provide proof of completion of traffic school by the end of the deferral period. The Court Clerk will maintain and provide a list of approved traffic school agencies. The defendant may complete an 8 hour in-person course or an approved online course.

[Amended September 1, 2002, rescinded September 1, 2018, amended effective September 1, 2023]

LIRLJ 6.6. SPEED MEASURING DEVICE CERTIFICATION

- (d) **Maintaining Certificates as Public Records.** Any certificate, affidavit or foundational evidentiary document allowed or required by this rule maybe filed with the court and maintained by the court as a public record. The records will be available for inspection by the public. Copies will be provided on request. The court will charge copying fees of \$0.10 per page. The records 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. Evidence will not be suppressed merely

because there is not a representative of the prosecuting authority present who actually offers the document. Evidence shall be suppressed pursuant to subsection (c) of this rule if the evidence in the certificate, affidavit or document is insufficient, or if it has not been filed as required.

[Amended September 1, 2002, amended September 1, 2010, rescinded September 1, 2018, amended September 1, 2021, amended effective September 1, 2023]

LOCAL SPECIAL PROCEEDINGS RULES

LRSP 1. NAME CHANGES

- A. **Requirements.** An applicant who applies to the court for a change of name pursuant to RCW 4.24.130 must meet the following requirements:
- 1) **Minors - Parental Consent.** All applicants under eighteen (18) years of age must be represented by a parent or legal guardian, unless good cause is shown.
 - 2) **Separate Applications.** Each applicant requesting a change of name must present a separate Petition and pay a separate filing fee and recording fee.

[Amended September 1, 2002, amended effective September 1, 2010, amended September 1, 2021]

APPENDIX A

Instruction No. ____

It is your duty to decide the facts in this case based upon the evidence presented to you during this trial. It also is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you personally think it should be. You must apply the law from my instructions to the facts that you decide have been proved, and in this way decide the case.

Keep in mind that a charge is only an accusation. The filing of a charge is not evidence that the charge is true. Your decisions as jurors must be made solely upon the evidence presented during these proceedings.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, and the exhibits that I have admitted, during the trial. If evidence was not admitted or was stricken from the record, then you are not to consider it in reaching your verdict.

Exhibits may have been marked by the court clerk and given a number, but they do not go with you to the jury room during your deliberations unless they have been admitted into evidence. The exhibits that have been admitted will be available to you in the jury room.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in reaching your verdict. Do not speculate whether the evidence would have favored one party or the other.

In order to decide whether any proposition has been proved, you must consider all of the evidence that I have admitted that relates to the proposition. Each party is entitled to the benefit of all of the evidence, whether or not that party introduced it.

You are the sole judges of the credibility of each witness. You are also the sole judges of the value or weight to be given to the testimony of each witness. In assessing credibility, you must avoid bias, conscious or unconscious, including bias based on religion, ethnicity, race, sexual orientation, gender or disability.

In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have