

**THURSTON COUNTY DISTRICT COURT**  
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## **CIVIL RULES**

### **LCRLJ 26 CIVIL DISCOVERY**

#### 26 (a) Civil Discovery

(1) Discovery shall be permitted pursuant to CRLJ 26 without further order of the court. All discovery pursuant to CRLJ 26 shall be completed by the date of the settlement conference if a jury has been demanded, or, in the case of a non-jury trial, sixty (60) days prior to the non-jury trial date.

(2) Additional discovery may be conducted only by order of the court after motion and hearing. The settlement conference Judge has the authority to authorize additional discovery and set timelines in accordance with this rule. No orders for unlimited discovery pursuant to Superior Court Civil Rules 26 – 37 shall be permitted.

(3) Either party may request a hearing for the purpose of setting a discovery schedule.

(4) All discovery must be complete no later than sixty (60) days prior to the jury trial or non-jury trial date.

#### 26 (b) Admissibility of Documents

The documents listed below, if relevant, are presumed admissible at the trial, but only if the party offering the document serves on all parties at least 30 days prior to the trial date a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker. This rule does not restrict argument or proof related to the weight of the evidence admitted, nor does it restrict the court's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties.

The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances, or other related expenses on a letterhead or billhead.

(3) A bill, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items or repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is

admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury.

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the interests of justice.

Any other party may subpoena the author or maker of a document, admissible under this rule, at the party's expense, and examine the author or maker as if under cross examination.

[Adopted 01/07/1987; Amended 09/01/1998, 09/01/2002, 07/01/2015.]

**LCRLJ 40**  
**CIVIL TRIAL SETTINGS, SETTLEMENT CONFERENCES, PRETRIAL ORDERS, CONFIRMATION**  
**HEARINGS**

(a) Civil Trial Settings – Jury and Non-Jury

- (1) After the defendant's answer has been filed, any party may request the court set the matter for a trial.
- (2) The party requesting a trial setting, jury or non-jury, shall file a Note for Civil Trial Setting and indicate by written affidavit the following:
  - Certify that the defendant's answer has been filed,
  - Certify that the request for a trial setting has been served on all parties and attorneys,
  - State the nature of the action,
  - State the estimated length of the trial,
  - State the number of witnesses to be called for trial and provide the name, and contact information for each witness,
  - State the name and contact information for all parties and attorneys,
  - Propose a selection of dates for trial agreeable to all parties.
- (3) Demand for a jury trial must be made no later than five (5) days after the Note for Civil Trial Setting is served. The party filing the demand shall at the time of filing pay the required jury fee and indicate by affidavit that the jury demand was served on all parties.
- (4) In the case of jury demand, the plaintiff shall, within fourteen (14) days of receipt of the jury demand, initiate a telephone conference call with the District Court civil clerk and the defendant to set the settlement conference date, the confirmation hearing date, and the jury trial date.
- (5) In the case of a request for a non-jury trial, the plaintiff shall, within fourteen (14) days of receipt of the request for a non-jury trial, initiate a telephone conference call with the District Court civil clerk and the defendant to set the non-jury trial date.
- (6) Thereafter, the Court will send notice to the parties of the settlement conference date, the confirmation hearing date, and the date of the jury or non-jury trial.
- (7) Whenever any case set for trial is settled (other than at settlement conference), or will not be tried for any reason, notice of that fact shall be given immediately to the Court. If notification is not given 48 hours prior to the time of the trial, the Court in its discretion, may order any party to pay terms.

(b) Settlement Conferences

Whenever a demand for jury trial has been filed, the case will be set for a settlement conference approximately ninety (90) days prior to the trial date. All parties, their attorneys, and a person with authority to consent to settlement for each party shall be present at this hearing. All discovery pursuant to CRLJ 26 shall be completed prior to the settlement conference.

(c) Pretrial Orders

If settlement is not reached at the settlement conference, the settlement conference Judge will enter a pretrial order. The pretrial order will state the nature of the claims and defenses, list the names of witnesses & exhibits anticipated to be presented by each party at trial, indicate the additional discovery authorized by the Court with a timeline for completion, and will set a briefing schedule for motions.

(d) Confirmation Hearing

A confirmation hearing shall be set approximately one week prior to all civil jury trials. At confirmation hearing, all parties are expected to verify readiness to proceed to jury trial or propose an alternate disposition. All trial briefs, proposed jury instructions, motions in limine, and any remaining pre-trial motions shall be filed and served no later than seven (7) days prior to the confirmation hearing. Motions will be heard at the confirmation hearing.

[Adopted 09/01/1998; Amended 09/01/2002, 07/01/2015.]

**LCRJ 54**  
**FEE SCHEDULE FOR ATTORNEY FEES IN DEFAULT JUDGMENTS**  
**(Other than statutory attorney fees)**

When a party is entitled to an award of reasonable attorney fees, where authorized by law or contract, the amounts provided in the following fee schedule shall be deemed reasonable in all cases where default judgment is granted unless the party presents evidence of circumstances that persuade the court to award a larger or smaller fee. The court shall retain the authority to vary from the following fee schedule on its own motion.

<u>JUDGMENT PRINCIPLE</u>	<u>ATTORNEY FEE</u>
\$0 - \$5,000	\$500
\$5,000.01 - \$10,000	\$1000
10,000.01 - +	\$1500

[Adopted 01/07/1987; Amended 09/01/1998, 07/01/2015.]

**LCRJ 55**  
**DEFAULT JUDGMENTS**

- (a) The granting of default judgment shall be subject to the following key elements and will not be granted except on proof satisfactory to the court:
- (1) Proof of service on all defendants against who judgment is sought;
  - (2) Proof of inquiry into military status of all defendants against who judgment is sought in compliance with the Service Members Civil Relief Act (SCRA);
  - (3) Proof of the debt owed;
  - (4) Proof of the basis for an award of reasonable attorney fees beyond a statutory allowance. This information shall be highlighted for the ease of review by the Court.
  - (5) No judgment for accrued interest shall be allowed unless 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.

[Adopted 01/07/1987; Amended 09/01/1998, 07/01/2015.]

## **CRIMINAL RULES**

### **LCrRLJ 3.2 BAIL & REVIEW OF INCARCERATED DEFENDANTS**

- (a) Any person arrested for the following offenses shall be held in jail without bail pending the first appearance:
- (1) Any offense classified under Section 10.99 of the Revised Code of Washington as Domestic Violence.
  - (2) A violation of RCW 46.61.502 (Driving Under the Influence), RCW 46.61.503 (Driver Under 21 Consuming Alcohol), or RCW 46.61.504 (Physical Control of Vehicle Under the Influence), when the person has previously been convicted of or had a deferred prosecution granted for one or more of any of these offenses or for RCW 46.61.522 (Vehicular Assault) or RCW 46.61.520 (Vehicular Homicide).
- (b) Incarcerated defendants' conditions of release may be reviewed upon request of either party or at the court's discretion. The request shall be in writing, which includes electronic mail. The request shall include the defendant's name, court docket number, and purpose for the review. The request will be made to the court by notifying the court coordinator and the in-custody clerk. The party requesting the review shall ensure that the opposing party is served notice of the request at the time that the request is made of the court. The in-custody clerk will set the review no sooner than the following court day, unless prior court approval is granted.

[Adopted 01/07/1987; Amended 09/01/1991, 08/06/2001, 05/01/2003, 07/01/2015,09/01/2020.]

### **LCrRLJ 3.4**

#### **VIDEO AND REMOTE PLATFORM CONFERENCES**

(a) Video Conferences: Pursuant to CrRLJ 3.4(d)(2), Thurston County District Court authorizes the use of video conferences for court proceedings.

(b) Remote Platform Conferences: Thurston County District Court authorizes the use of remote platforms for hearing and streaming of court proceedings with the standards outlined in CrRLJ 3.4(d)(3).

[Adopted 01/05/2000; Amended 07/01/2015, 09/01/2020.]

**LCrRLJ 3.7**  
**PRETRIAL MOTIONS**

- (a) All pretrial motions pursuant to CrRLJ 3.5 and CrRLJ 3.6 shall be in writing, served upon the opposing counsel or pro se party, and filed with the court no less than 35 days prior to the date set for trial. Supporting briefs shall be filed and served at the time the pretrial motion is filed.
- (b) Upon receipt of a pretrial motion, the calendar coordinator will schedule a hearing on the motion prior to the date set for the confirmation hearing.
- (c) Responsive briefs shall be filed and served on opposing counsel or pro se party no later than 14 days after service of moving party's brief.
- (d) The court may lengthen or shorten the time for filing on a showing of good cause.

[Adopted 09/01/1998; Amended 07/01/2015, 09/01/2020.]

**LCrRLJ 6.1.1**  
**CRIMINAL TRIAL**

- (a) Waiver of Jury Trial: A defendant may waive the right to a jury trial at any time prior to a jury being impaneled. Waiver of jury trial shall be in writing. If the waiver occurs after the case is confirmed for trial, the court may, in its discretion, order a party to pay court costs. A motion to withdraw a waiver of jury trial shall be in writing.
- (b) Confirmation of Jury Trial:
- 1) The calendar coordinator shall set a trial confirmation hearing prior to the trial date for all jury trials. At the confirmation hearing, the parties are expected to verify readiness to proceed to jury trial or to propose an alternate disposition. If a case settles after it is confirmed for jury trial, the court may, in its discretion, order a party to pay court costs.
  - 2) The defendant shall be present at the confirmation hearing. Appearance may be by remote platform per LCrRLJ 3.4(b). Defendant's appearance may be waived only with prior approval of the court.
  - 3) The defense attorney shall be present at the confirmation hearing. Appearance may be by remote platform per LCrRLJ 3.4.
- (c) Witness, Subpoenas, Costs: Where prospective witnesses, who will be compelled to appear by subpoena, reside outside the boundaries of Thurston County, leave of the court to issue a subpoena shall be obtained by written motion. The party requesting the subpoena, shall file the motion no later than fourteen (14) days prior to the date set for trial. If leave is not obtained or the request is not timely made, then the party requesting the subpoena, shall be responsible for all costs associated with the appearance of the person subject to the subpoena, unless good cause is shown.
- (d) Motions in Limine & Proposed Jury Instructions: Motions in limine & proposed jury instructions shall be filed with the court and served on opposing party or pro se party 3 court days prior to the date set for jury selection.

[Adopted 01/07/87; Amended 09/01/91, 06/27/94, 09/01/98, 07/01/15, 09/01/2020.]

## **INFRACTION RULES**

### **LIRLJ 3.5 DECISION ON WRITTEN STATEMENTS**

Mitigation and contested hearings based on written statements, as provided for in IRLJ 2.4(b)(4) and IRLJ 2.6, are authorized. This court adopts the procedures authorized by IRLJ 3.5. In accordance with the provisions of IRLJ 3.5, such hearings are not governed by the Rules of Evidence, and there shall be no appeal from a decision on written statement.

[Adopted 09/01/2002; Amended 07/01/2015.09/01/2020]

**LIRLJ 6.6**  
**SPEED MEASURING DEVICE EXPERT**

A request to produce the electronic speed measuring device expert at the contested hearing shall be contained in a separate pleading entitled, "Request to Subpoena Speed Measuring Device Expert". This pleading shall be served on the prosecutor with a conformed copy filed with the court clerk. Such request must be filed in accordance with the time limitations set forth in IRLJ 6.6 (b)

[Adopted 09/01/1998; Amended 07/01/2015]