

Grant County District Court
Local Rules

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PREFACE

1. Promulgation. These rules shall be known as the Local Rules for the District Court of the state of Washington for Grant County. Copies of these rules will be filed with District Court for Grant County and will be distributed to all law offices in Grant County. Additional copies will be available at the office of the Grant County District Court Administrator. These rules will be effective September 1, 2004.

2. Numbering. Consistent with CRLJ 83(a) and CrRLJ 1.7, Washington Court rules, these rules, to the extent possible, conform in numbering system and in format to those rules and facilitate the use of both. The number of each rule is preceded by the abbreviation "L" designating the rule as local to this court and supplemental to the corresponding Washington Court Rule.

3. Revisions and Additions. These rules have been prepared in loose-leaf form to facilitate revision, additions, or deletions in the future by page without the necessity of republication.

L-ARLJ.01
FOREWORD

These Local Rules for Civil, Criminal, Infraction, and Appeals are assembled to conform in numbering system and in format to the rules adopted by the Supreme Court as required by GR 7.

These rules supplement ARLJ, CRLJ, CrRLJ, RALJ, and IRLJ in accordance with RCW 3.30.080 and GR 7. Local Rules are cited as L- ARLJ, L-CRLJ, L-CrRLJ, L-RALJ, and L-IRLJ. Insofar as practicable the Washington Court Rules are not repeated, and the user of these Local rules should refer to the pertinent rule as adopted by the Supreme Court.

[Amended effective September 1, 2004]

L-ARLJ.02
PRESIDING JUDGE
Presiding Judge and Court Governance

(a) Election, Term, Vacancies, Removal and Selection Criteria

- (1) Election. The Presiding Judge shall be elected by majority vote of the Grant County District Court judges for a term of not less than two years. In the same manner, the judges shall elect an Assistant Presiding Judge of the court who shall serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge and who shall perform such further duties as the Presiding Judge shall direct. If the judges fail or refuse to elect a Presiding Judge or Assistant Presiding Judge, the Presiding Judge then in office shall notify the Supreme Court of said failure or refusal and the Supreme Court shall appoint a Presiding Judge or Assistant Presiding Judge pursuant to GR 29(a) (1).
- (2) Term. The Presiding Judge shall be elected for a term of not fewer than two years, subject to reelection. The term of the Presiding Judge shall commence on January 1 of the year in which the Presiding Judge's term begins.
- (3) Vacancies. Interim vacancies of the office of Presiding Judge or Acting Presiding Judge shall be filled as provided in (a)(1).
- (4) Removal. The Presiding Judge may be removed by a majority vote of the judges of the court.
- (5) Selection Criteria. A Presiding Judge must have at least four years of experience as a judge unless this requirement is waived by a majority vote of the judges of the court. Selection of a Presiding Judge should be based on the judge's
 - a) Management and administrative ability
 - b) Interest in serving in the position.
 - c) Experience and familiarity with a variety of trial court assignments, and
 - d) Ability to motivate and educate other judicial officers and court personnel.
- (6) Notification of Chief Justice. The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge to the Chief Justice of the Supreme Court within 30 days of election.

- (7) Caseload Adjustment. To the extent possible, the judicial caseload should be adjusted to provide the Presiding Judge with sufficient time and resources to devote to the management and administrative duties of the office.
- (8) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.
- (9) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, the Presiding Judge shall:
- a) Supervise the business of the court and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;
 - b) Assign judicial officers to hear cases pursuant to statute or rule. The court may establish general policies governing the assignment of judges;
 - c) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;
 - d) Develop and coordinate statistical and management information;
 - e) Supervise the daily operation of the court including:
 - 1) All personnel assigned to perform court functions; and
 - 2) All personnel employed under the judicial branch of government including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and
 - 3) The Court Administrator, who shall report directly to the Presiding Judge. (see.03)
 - f) Supervise the court's accounts and audit the procurement and disbursement of appropriations and preparation of the court's annual budget request;
 - g) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the court;
 - h) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;
 - i) Supervise the preparation and filing of reports required by statute and court rule;
 - j) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge or employee to serve in this capacity;
 - k) Preside at meetings of the judicial officers of the court;

- 1) Determine the qualifications of and establish a training program for pro tem judges and pro tem court commissioners; and
 - m) Perform other duties as may be assigned by statute or court rule.
- 10) Enabling Authority. The Presiding Judge shall have the general responsibilities, duties and authority set forth in GR 29.

[Amended effective September 1, 2004]

L-ARLJ.03
COURT ADMINISTRATOR
Court Governance and Responsibility
[Rescinded effective September 1, 2023]

LCRLJ 38
CIVIL JURY PRE-TRIAL PROCEDURE

All cases set for jury trial shall be set for pre-trial conference which shall be held at least two weeks prior to trial. No order shall be required for this mandatory pre-trial conference. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed three days prior to said conference. Opposing counsel or party must be given seven days notice on pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the Court, be rescheduled or continued to the day of trial. All amendments, pleas, and motions should be made or be completed at this conference. Upon failure to appear, the Judge may proceed with the conference ex-parte, if necessary, and enter any appropriate order including striking the jury demand and may impose terms.

[Amended effective September 1, 2003]

LCRLJ 64
GARNISHMENT AND DENIAL OF NON-RESPONSIVE EXEMPTION CLAIM

A blank Exemption Claim or one that does not claim an exemption shall be denied without a court hearing if the garnishing party files and serves a Notice of Non-Responsive Exemption Claim, within seven days of receipt of the Exemption Claim. If filing and/or service is had by mail, compliance with this rule shall be deemed complete if the described Notice is posted in the US Mail on or before the seventh day after the garnishing party received the Exemption Claim.

[Amended effective September 1, 2003]

LCRLJ 65
CIVIL - NAME CHANGES

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

(b) Hearing. All hearings on petitions for name changes shall be in open court and on the record.

(c) 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) A person petitioning to change the name of a minor child or ward must establish that both parents consent to the change in writing, or

that the nonpetitioning parent has been served at least ten days before the hearing with a notice that includes the hearing date, the minor's current name, the name the petitioner desires the minor to assume, and the reasons for requesting the change of name.

(b) A person petitioning to change the name of a minor child may move the court for an order authorizing notice to a parent by publication. The requesting parent must certify under penalty of perjury that the whereabouts of the other parent are unknown. If authorized by the court, notice by publication one time in a newspaper of general circulation in the county of the nonpetitioning parent's last known address shall be deemed sufficient if it satisfied the requirements of LCRLJ 65(c)(2)(a).

(d) Contents of Petition. A petition for change of name must be sworn under oath and state the following:

- (1) The Petitioner's full present name and the full name the petitioner wishes to assume;
- (2) The Petitioner's date of birth;
- (3) That the Petitioner resides in Grant County;
- (4) The reason for the request;
- (5) The application is not made for any illegal or fraudulent purpose;
- (6) The name change will not be detrimental to the interests of any other person;
- (7) The name of the Petitioner's father and mother, or, if brought on behalf of a minor, the name of the minor's father and mother;
- (8) Whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, that Petitioner has provided a copy of the Petition to the Department at least five days before any hearing on the name change request;

(9) Whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, that Petitioner has provided copies of the Petition to the county sheriff and the Washington State Patrol at least five days before any hearing on the name change request.

(e) Contents of proposed Order. A Petitioner for change of name must file a proposed Order Changing Name that includes the following:

- (1) The Petitioner's full name;
- (2) The full name Petitioner seeks to assume;
- (3) If the Petition is brought on behalf of a minor, a finding that both parents or guardians consent to the change, or that a non consenting parent was served with notice of the proposed change as required by these rules, or that a non consenting parent's legal rights were previously terminated by court order;

(4) A finding whether the Petitioner is subject to the jurisdiction of the Washington State Department of Corrections and, if so, whether Petitioner provided a copy of the Petition to the Department at least five days before the Order is to be entered;

(5) A finding whether the Petitioner is subject to the sex offender registration laws of the State of Washington and, if so, whether Petitioner provided copies of the Petition to the county sheriff and Washington State Patrol at least five days before the Order is to be entered;

(6) A finding that the Petition is not made for illegal or fraudulent purposes;

(7) A finding that the change of name will not be detrimental to the interests of any other person;

(8) If the Petition is brought on behalf of a minor, a finding that the name change is in the best interests of the minor.

[Effective August 4, 2008]

LCrRLJ 3.3
CONTINUANCES

- (a) Continuances may be granted:
- (1) Upon written agreement of all parties which must be authorized by the defendant(s). Agreements lacking evidence of approval of all parties will not be considered by the court. The agreement must set forth the basis for the continuance and include a proposed order of continuance. The agreement is not effective unless approved by the court.
 - (2) By motion, if such motion complies with relevant rules for motions, including CrRLJ 3.3(h) (2).
 - (3) Only if the continuance is to a date within the speedy trial requirements of CrRLJ 3.3 or the defendant executes a waiver of speedy trial.

[Effective August 8, 2008]

LCrRLJ 3.4(d) (2)
VIDEO ARRAIGNMENT AGREEMENT

(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge. For signatures of the defendant, counsel, interested parties and the Court shall be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Pleas of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary.

[Effective April 6, 2012]

LCrRLJ 4.5
PRE TRIAL CONFERENCE/READINESS HEARING

a) In every criminal or traffic case in which the defendant is entitled to a jury trial, the Clerk shall set a date for a pre-trial conference. The purpose of said conference is for presentation and setting of motions, completion of plea bargaining, and to set a trial date. The Clerk will then proceed to notify the prospective jurors as provided by law.

If the party or his attorney fails to appear at said conference without adequate cause then known to the court, bail will be ordered forfeited and the Court will order a Bench Warrant issued for the arrest of the defendant.

In the event it comes to the attention of the court that there is a likelihood that the defendant will not be available for jury trial, as evidenced, for example, by defendant's failure to remain in contact with his lawyer, the court will schedule an additional hearing to inquire as to

the availability of the defendant. If the defendant does not appear, the jury trial date will be stricken, bail forfeited, and the court will order a bench warrant for the arrest of the defendant.

b) Within ten (10) days, excluding weekends and holidays, prior to an assigned jury trial date, there shall be held a readiness hearing. At such a hearing, it shall be mandatory that the prosecuting authority, the defense counsel, and the defendant be present. At such a hearing, the following matters will be concluded:

1. All plea bargaining
2. Exchange of witness lists
3. Providing of any discovery not previously exchanged at the pre-jury conference
4. Motions on the legal issues arising subsequent to the pre-jury conference or on issues arising due to new evidence

Thereafter, the case will be tried by jury, unless waived by the defendant, or concluded by a guilty plea or other plea bargain or a dismissal of the charge(s). A failure of the defendant to be present at the readiness hearing will result in the issuance of a bench warrant for failure to appear and the vacating of the jury trial date. The requirements of this rule can be waived only by the judge assigned to the case or the Presiding Judge of the Grant County District Court.

[Effective September 1, 2016]

LCrRLJ 8.2
MOTIONS AND APPLICATIONS - NOTICE - SERVICE

[RESCINDED]

[Rescind\Repeal Effective September 1, 2016]

LIRLJ 2.6(c)
DECISION ON WRITTEN STATEMENTS

Decision on written statements, given under penalty of perjury, are allowed.

LIRLJ 3.1
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(a) (1) *Subpoenas.* In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) *Timeliness.* In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) *Speed Measuring Device Expert.* Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

(4) *Costs and Witness Fees.* Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Amended effective September 1, 2022]

LIRLJ 3.1(b)
PLAINTIFF'S LAWYER

Plaintiff's lawyer for discovery purposes would be the Grant County Prosecuting Attorney. Notice sent to the court clerk is ineffective. A request for discovery may require that the court date be reset to a date when the prosecutor is in court.

LIRLJ 6.2(a)
NO VALID OPERATORS LICENSE - SHOW LICENSE

If a defendant is charged with the infraction of driving a motor vehicle without having a valid driver's license issued to Washington residents pursuant to RCW 46.20, and that defendant presents a valid

license or satisfactory evidence that the defendant has obtained a valid driver's license to the court clerk, then the bail for the offense shall be reduced to \$150.00 and the defendant will be entitled to post and forfeit that penalty without the need to appear in court on that charge.

[Amended effective September 1, 2004]

LIRLJ 6.2(b)
INSURANCE - SHOW PROOF

If a defendant is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20, and that defendant presents satisfactory evidence that they have obtained valid insurance to the court clerk, then the bail for the offense shall be as set forth below and the defendant will be entitled to post and forfeit that penalty without the need to appear in court on that charge.

- i) insurance in effect at the time of the citation: \$25.00
- ii) 1st offense: \$ 150.00
- iii) 2nd offense: \$ 200.00
- iv) 3rd offense: \$ 250.00
- v) subsequent offense(s) - court appearance mandatory

[Amended effective September 1, 2004]