

Issaquah Municipal Court Local Rules
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IMC 1

NOTICE OF APPEARANCE – INFRACTIONS

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the court and prosecutor no later than fourteen (14) court days prior to the hearing. Failure to provide such notice shall be grounds for continuing the case to the next available calendar when the prosecutor will be present.

[Adopted Effective September 1, 2008]

[Amended July 1, 2011]

[Amended July 1, 2013]

IMC 2

TIME FOR HEARING – OBJECTIONS TO DATE

A defendant who objects to the hearing date set by the court pursuant to IRLJ 2.6 shall file with the court and serve upon the city attorney a written motion for a new speedy hearing date. Such motion shall be filed and served no later than ten (10) days from the date of written notice of the hearing date. Failure to comply with this rule shall become a waiver of the objection.

[Adopted Effective September 1, 2008]

IMC 3

REQUEST FOR SPEED MEASURING DEVICE EXPERT – TESTIMONY BY PHONE

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. The court may allow the speed measuring device expert to testify from a location other than the courtroom via speakerphone or other electronic means acceptable to the court.

[Adopted Effective September 1, 2008]

IMC 4

SPEED MEASURING DEVICE EXPERT – COST TO BE PAID

Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151

[Adopted Effective September 1, 2008]

IMC 5

RELEASE OF ACCUSED – BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):

A Defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or domestic violence violations alleged under IMC 9.30.030.

2. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504.

3. Other Crimes: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:

- (a) Assault in the fourth degree - RCW 9A.36.041
- (b) Harassment - RCW 9A.46.020
- (c) Placing a Person in Fear or Apprehension IMC 9.30.020
- (d) Coercion – 9A.36.070
- (e) Violation of an anti-harassment order - RCW 9A.46.040
- (f) Stalking - RCW 9A.46.110
- (g) Communicating with a minor for immoral purposes - RCW 9.68A.090
- (i) Indecent Exposure and/or Public Indecency - RCW 9A.88.010
- (j) Aiming or Discharge of a Firearm - RCW 9.41.230
- (k) Inhaling Toxic Fumes – RCW 9.07.030

[Adopted Effective July 1, 2013]

IMC 6

MOTIONS

a. Time for Hearing

Motions shall be filed and served as follows:

1. Motion Requested at Time of Trial Setting: If a motion date is set at the same time the case is set for trial then the moving party's brief and all supporting documents shall be served on the opposing party and filed with the court at least 14 days before the date scheduled for the hearing.
2. Motion Requested at Time Other than at Trial Setting: If a motion is filed at any other time by either party, the moving party must file a note for motion, the moving party's brief, and all supporting documents at the time the motion is filed. The note for motion and supporting documents shall be served and filed with the court at least 21 days before the date requested for the hearing by the moving party.

b. Responsive Documents

The non-moving party's brief and all supporting documents shall be served and filed at least 7 days before the date scheduled for the hearing. The moving party's reply and all supporting documents shall be served and filed at least 2 days before the date scheduled for the hearing.

c. Motions to Shorten Time

No party shall seek a motion for order shortening time for hearing a motion unless said party has first notified opposing counsel or the opposing party(s) that such a motion will be sought. The moving party's motion shall be supported by an affidavit or declaration under penalty of perjury detailing the nature of the emergency necessitating the shortening of time and further stating that opposing counsel/party has been provided with a copy of the motion together and the time and place of the hearing wherein the moving party is seeking an order shortening time. Such affidavit or declaration shall state when and where opposing counsel was served with the motion and notice of hearing. The Court shall not grant an order shortening time unless it is satisfied that an emergency justifying the shortening of time truly exists and that the moving party has exercised due diligence in timely advising the opposing counsel/party of the hearing on said motion.

d. Agreed Orders

Where appropriate, agreed orders will be considered by the court at the earliest possible date.

d. Proof of Service

The parties must file suitable proof showing that the opposing party was served with the documents filed by the party.

[Adopted Effective July 1, 2013]

IMC 7

PRESENCE OF THE DEFENDANT - VIDEO CONFERENCE HEARINGS

All in-custody arraignments, bail hearings, and trial settings will be conducted via video conference pursuant to CrRLJ 3.4. Consent to proceed via video conference will be implied for all other hearings, excluding trial, unless an objection is made before or during the hearing to proceeding in this manner. However, this consent will not be implied if the defendant is not accompanied or represented by counsel at the hearing.

[Adopted Effective July 1, 2013]

IMC 8

ELECTRONIC FILING AND SERVICE

a. Definitions.

1. “Digital signature” and “electronic signature” are defined in GR 30 (a).
2. “Electronic Filing” is the electronic transmission of information to a court or clerk for case processing.
3. “Electronic Document” is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.
4. “Filer” is the person whose user ID and password are used to file an electronic document.
5. “OCourt” is an electronic scheduling forms program that integrates with JIS and allows for the electronic filing of court documents into local digital document storage systems.

b. Electronic filing authorization, exception, service, and technology equipment.

1. While JIS remains the official depository of case information, the court uses OCourt in conjunction with Microsoft Live as a means to facilitate electronic filing of documents and data. Attorneys and other involved parties may set up password protected accounts in Microsoft Live and that will allow for the transmission of data and documents to the court and to the parties as provided in (b)(2). Permission to access the program is given based upon the profile of the user and such permission is restricted to cases in which the user is involved. The court determines the level of security allowed by the user. The court may choose to update data in OCourt from other sources to maintain consistency with JIS data, but it is the primary responsibility of the account holder to keep all personal contact data in the Microsoft Live account updated and accurate.
2. Attorneys with OCourt accounts will receive all documents from the court in electronic format through their email accounts. The court, as a convenience, may send reminder notifications of court dates, but failure to receive such a notification shall not relieve the recipient of the obligation to appear or respond as required. It is the responsibility of all parties to maintain a current electronic mailbox address and memory sufficient to receive electronic transmissions or notifications from the court.
3. The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (b)(1) and (b)(2).
4. The clerk will accept for filing an electronic document that complies with the court rules and Electronic Filing Technical Standards as adopted by the Judicial Information System committee to implement electronic filing.
5. A document that is required by law to be filed in non-electronic media may not be electronically filed.
6. Electronic Transmission from the Court. The court or clerk may electronically transmit notices, orders, or other documents to all attorneys and to parties who have filed electronically or have agreed to accept electronic documents from the

court, and who have provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

7. Service of documents on attorneys for parties of record may be completed electronically. The court will accept paper filing and/or service upon a showing of good cause.

c. Time of Filing, Confirmation, and Rejection.

1. An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise the document is considered filed at the beginning of the next business day.
2. Confirmation of receipt of an electronic document shall be issued to the filing party.
3. The clerk will reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.

d. Authentication of Electronic Documents.

1. Procedures

- A. A person filing an electronic document must have received a user ID and password from a Court Administrator or a person delegated by the Court Administrator for any court that utilizes the OCourt programs in order to use the applicable electronic filing service.
- B. All electronic documents must be filed by using the user ID and password of the filer.
- C. A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the express authorization of the filer. Any person other than the filer must affix their name to the filing.

2. Signatures

- A. Judicial Electronic Signatures. Judicial officer may sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:
 - i. The judicial officer affixes his or her electronic signature to the document. The document may be emailed to the intended recipients using the OCourt email options or by emailing the document to the intended recipients using the judge's and/or court staff's secure email account; The document shall then be archived to the appropriate electronic court file or the appropriate administrative electronic file on the City's secure electronic data storage system; or,
 - ii. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,

- iii. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
 - iv. The judicial officer uses any other reliable means approved by the court by general order.
- B. Documents may be signed by judicial officers using a facsimile of the judicial officer's signature so long as the original facsimile of the signature used in the document is only accessible by the judicial officer. The document or email may also be signed in the following format if the document or email is sent from the judge's secure email account:

Judge X
Issaquah Municipal Court
135 E. Sunset Way
P.O. Box 7005
Issaquah, WA 98027
Telephone: (425) 837-3170
Fax: (425) 837-3178

- i. The printed version of the document signed by the judge pursuant to this rule shall constitute an original document and the document shall be made part of the court file, search warrant return file, or administrative file in electronic format.
 - ii. Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.
- C. Attorney Signatures. An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney, (State Bar Number)
ABC Law Firm
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206)123-4567
Fax: (206)123-4567
E-mail: John.Attorney@lawfirm.com

- D. Non-attorney signatures. An electronic document which requires a non-attorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206)123-4567
Fax: (206)123-4567 - E-mail: John.Citizen@email.com

- E. Non-attorney signatures on documents signed under penalty of perjury. Except as set forth in d(2)(F) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:
 - i. Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or
 - ii. Ensure the electronic document has the digital signature of the signer.
 - F. Law enforcement officer signatures on documents signed under penalty of perjury.
 - i. A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.
 - ii. Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or the City's secure network. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.
 - G. Multiple signatures. If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:
 - i. The electronic document contains the digital signatures of all signers; or
 - ii. For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.
 - iii. If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.
 - H. Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad or other equipment or methods that have been authorized and facilitated by the court. The document may be electronically filed as long as the electronic document contains the electronic captured signature.
3. An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed

document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

e. Filing fees, electronic filing fees.

1. The clerk is not required to accept electronic documents that require a fee.
2. Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees.

f. Other.

Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added by the prosecutor's office to a secure website that allows the documents to be viewed by the public through a hyperlink on the court's website.

[Adopted Effective September 1, 2019]

[Amended Effective September 1, 2021]

IMC-CRLJ 10

FORM OF PLEADINGS – STYLE AND FORM – FACILITATING PROOF OF
SERVICE AND FILING OF PAPERS

(a) Action Documents. Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: “Clerk’s Action Required”. The action to be taken must be stated either next to the special caption or in the first paragraph on the first page. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include or provide for the following, unless otherwise authorized by the court:

(1) *Service and Filing.* Space should be provided at the top of the first page of a document allowing on the right half for the clerk’s filing stamp, and in the left half for proof of, or acknowledgement of, service. The papers should when feasible, such as common pleading or service forms, be pre-drilled or punched at the page top for fastening in court files.

(2) *Numbered Paper.* All pleadings, motions, affidavits, briefs, and other supporting documents prepared by attorneys/parties should be on paper with line numbering in the left hand margin.

(c) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and secured/placed in the court file by the Clerk of the Municipal Court in the order received.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

SPACE FOR SERVICE

/

SPACE FOR COURT FILING

PROOF

/

STAMP

/

IN THE MUNICIPAL COURT FOR THE CITY OF ISSAQUAH,
KING COUNTY, STATE OF WASHINGTON

_____ ,

)

)

CAUSE NO. XXXXXXXXX

Plaintiff,

)

)

CLERK'S ACTION REQUIRED: (note

)

action required here or in first

)

paragraph)

vs.

)

)

MOTION TO SET REVIEW

_____ ,

)

)

Defendant

)

CLERK'S ACTION REQUIRED: (note action required here or in caption).

[Adopted Effective July 1, 2005]

IMC-CrRLJ 1.5

STYLE AND FORM

The format requirements for papers being filed with the court shall be as specified in CrRLJ 1.5 and IMC-CRLJ 10.

[Adopted Effective July 1, 2005]

IMC-CrRLJ 3.4(d)

VIDEO CONFERENCE PROCEEDINGS

RESCINDED

[Adopted Effective January 1, 2005; Rescinded July 1, 2013]

IMC CrRLJ 3.4

PRESENCE OF THE DEFENDANT; REMOTE/VIRTUAL APPEARANCES

1. **When Necessary.** In addition to those hearings listed in CrRLJ 3.4(b), and pursuant to CrRLJ 3.4(d), the court finds good cause to require the defendant to be present for the following necessary hearings:
 - a. Any hearing for which the court ordered the defendant's presence pursuant to a good cause finding under CrRLJ 3.4(d).
 - b. The court finds that there is good cause to require the defendant's presence at any hearing for which the defendant is not represented by counsel.
 - c. The court finds that there is good cause to require the defendant to appear at any hearing set to address compliance with the statutorily required conditions for release or set to address release conditions pursuant to CrRLJ 3.2 (j-k) unless the court has waived defendant's appearance with a showing of compliance.
 - d. Waiver of Right to Jury Trial. The court finds that there is good cause to require the defendant to be physically or remotely present for any waiver of the right to jury trial for the purpose of the court making a finding as to whether the waiver is made knowingly, intelligently, voluntarily, and free from improper influences.
 - e. Hearings Pursuant to CrRLJ 3.5. The court finds that there is good cause to require the defendant to be physically or remotely present for any hearing pursuant to CrRLJ 3.5 to allow the court to ascertain whether he or she has been advised of the right to testify or not testify and the ramifications of that decision.
 - f. Pretrial Hearings. The court does not set trial dates prior to the pretrial hearing. At these hearings, the case is typically either continued, a resolution occurs, or the case is set for jury call and a potential trial date. Leaving continuances, dispositions and confirmation of cases to the jury call and/or assigned trial date would unreasonably congest the jury call calendar, preclude the court from determining the need for jurors, impede the timely commencement of trials for that term, and prevent the court from fulfilling the responsibility to protect the time for trial rights of the parties.
 - i. The court finds that, unless there is (1) an affirmative representation from defense counsel that the defendant is appearing through counsel pursuant to CrRLJ 3.4(a) and that (2) counsel is able to proceed on the case without the defendant's personal appearance, there is good cause to require the defendant to be physically or remotely present at all pretrial hearings in order to properly manage the jury trial caseload and jury call calendars.

- g. Jury Call. The court assigns specific jury trial dates at jury call. At these hearings, the case is typically either continued, a resolution occurs, or it the case is confirmed for trial. Leaving continuances, dispositions and confirmation of cases to the assigned trial date would unreasonably congest the jury call calendar, preclude the court from determining the need for jurors, impede the timely commencement of trials for that term, and prevent the court from fulfilling the responsibility to protect the time for trial rights of the parties.
 - i. The court finds good cause to require the defendant to be physically or remotely present at jury call hearings and/or to appear through counsel as authorized by CrRLJ 3.4(a), and as set forth in g(ii) below, in order for the court to properly manage the jury trial caseload and jury call calendars.
 - ii. Where counsel appears on behalf of a defendant pursuant to CrRLJ 3.4(a), counsel shall indicate in writing or in open court, that he or she has affirmatively determined, through recent contact with the defendant, that the matter is ready to proceed to trial as scheduled by the court, or that an uncontested written defense motion to continue approved by the defendant with a speedy trial waiver has been filed with the court.
- h. Sentence and SOC Review Hearings. The court finds good cause to require the defendant to be physically or remotely present for sentence review hearings and stipulated order of continuance review hearings. A defendant has a due process right to be advised of the allegations of non-compliance with conditions of sentence and or an alleged violation of a stipulated order of continuance, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The court cannot conduct a sentence or stipulated order of continuance review if the defendant is not present.
- i. Any Other Hearing Requiring a Colloquy with the Defendant. The court finds that there is good cause to require the defendant to be physically or remotely for any hearing where it is necessary that the court conduct a colloquy with the defendant.
- j. Any person permitted to appear through counsel by this rule may be required to be physically or remotely present at the discretion of a judicial officer.
- k. Any person permitted to be remotely present by this rule may be required to be physically present at the discretion of a judicial officer.
- l. Any person required by this rule to be physically present may be remotely present with the prior approval of a judicial officer.

2. Whenever a defendant's presence is necessary as set forth in this rule or designated necessary by CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is also required for purposes of CrRLJ 3.3(c)(2). The effect of absence at the hearing at which defendant's presence is necessary is that the new commencement date shall be the date of the defendant's next appearance.
3. Whenever defendant is appearing through counsel as authorized by CrRLJ 3.4(a), and counsel requests a continuance of a pretrial hearing, counsel must be able to affirm in writing counsel's authority to waive speedy trial on defendant's behalf. In the absence of such a waiver, defendant's presence will be deemed required for purposes of CrRLJ 3.3(c)(2) and the effect of absence of the defendant will be the recommencement of speedy trial at the next hearing for which defendant is present physically or remotely (at the court's discretion).
4. The court retains discretion to waive a defendant's presence for any hearing not specifically addressed by this rule or where the court deems waiver appropriate at the time of the hearing.
5. **Remote Hearings.** Where remote hearings are authorized, any person appearing remotely is required to utilize technology allowing for a simultaneous video and audio appearance.
 - a. If a person is unable to appear by way of video, his or her attorney may request a waiver of this requirement with the court. The request must include the telephone number and name of the person who will be appearing by audio only, as well as the attorney's representation that the person appearing by audio is who they represent themselves to be. The attorney must also ensure that the person appearing by audio understands the nature of remote hearings, that they will be in a room with multiple other persons and will remain on mute until their case is called.

[Adopted Effective September 1, 2021]

IMC-IRLJ 3.5

DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5 and IMC-IRLJ 3.5. A defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statement shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: “I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct,” and shall be in substantially the following form:

Name of Defendant:

Address:

Infraction Number (upper right corner of citation):

Violation Date:

I wish to mitigate the infraction

I wish to contest the infraction

Statement:

I declare under penalty of perjury under the laws of the state of Washington that the above information is true and correct.

Executed this _____ day of _____, 20____ at
_____ (city/state).

Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(d).

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

[Adopted Effective July 1, 2005]