

LINCOLN COUNTY DISTRICT COURT  
STATE OF WASHINGTON

LOCAL RULES 2019

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## LARLJ 1

**Purpose:** The purpose of this rule is to provide guidelines for the use of e-mail in communicating with Lincoln County District Court staff. This rule does not apply to the other forms of communication, and does not establish a preference for e-mail communication over any other form of communication.

**Use of the judge's individual address is prohibited:** The only address to be used by attorneys, pro se (self-represented) litigants or others who need to communicate with court staff about a case is the District Courts general e-mail address – [districtcourt@co.lincoln.wa.us](mailto:districtcourt@co.lincoln.wa.us), unless otherwise directed by the judge and/or court clerk(s) to e-mail to a specific e-mail address. Absent express invitation by the judge, the judge's individual e-mail is not to be used.

**Guidelines for use of e-mail:** E-mail communication with the District Court is appropriate in the following typical situations:

To obtain a date for an in-court hearing:

To determine the judge's availability for a hearing;

To determine the availability of equipment needed for trial

To advise the court of a settlement (to be immediately followed by formal written notice).

For any other matters or questions it would be more appropriate to communicate by way of a telephone call to court staff.

E-mail is not to be used to submit motions and/or orders, or any other process to the court. Please conduct filing of documents via fax, US Postal Service mail or in person.

**Ex parte communication prohibited:** The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. If an attorney/party is communicating substantive information to the court staff, the e-mail must also be sent to the opposing party and so indicate on its face. Substantive information includes information regarding the likelihood

of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

Retention of e-mail: The court is not obligated to retain any electronic communications. Original documentation shall be filed with the Lincoln County District Court.

## LARLJ 2 SERVICE AND FILING OF PLEADINGS

The court accepts documents and pleadings filed by facsimile subject to the provisions of GR 17. A document properly filed by facsimile shall constitute an original.

## LIRLJ 1 DECISIONS ON WRITTEN OR E-MAIL STATEMENTS

In place of the Defendant's personal appearance at a contested or mitigation infraction hearing, the defendant may submit their written statement by e-mail submission. It may and preferably should be submitted on the Court's electronic hearing form. The Court will only accept email submission at this time.

The Court shall examine the citing officer's report, any radar/laser certificates filed with the Clerk, (if applicable), and any statement (s) submitted by the Defendant. The examination shall take place within 120 days after the Defendant has filed the response to the Notice of Infraction. The examination may be held in chambers. The Court shall determine whether the Plaintiff has proved by a preponderance of the evidence submitted whether the infraction was committed. Any defendant electing to request that the court hold a contested or mitigation hearing under this rule waives the right to appeal the Court's decision to the Superior Court under IRLJ 3.5.

E-mail submissions can only be submitted within the 15 day response time or one week prior to the date of an in court hearing. No hearing will be continued so that the defendant may submit a hearing electronically.

LIRLJ 2 MANDATORY LIABILITY INSURANCE VIOLATIONS

2.A If a person who has been cited with a violation of RCW 46.30.020 presents the Court Clerk with evidence that the person had vehicle insurance in effect at the time the citation was issued as required, then upon payment of twenty five (\$25.00) the Court Clerk shall be authorized to dismiss the charge as per RCW 46.30.020 (2).

2B The Court Clerks are authorized to mitigate the penalty for Mandatory Liability Insurance violations in cases when the person cited presents, either in person at the Clerk's counter, or by mail or facsimile, evidence of insurance issued after the citation was written in amounts as the Court directs by general court order.

LIRLJ 3 REQUEST FOR SPEED MEASURING DEVICE EXPERT  
REMOTE TESTIMONY

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6 (b). If the parties stipulate, the court may allow the speed measuring device expert to testify from a location other than the courtroom, via electronic means acceptable to the court.

Allowing SMD expert testimony by electronic means serves to reduce costs incurred by law enforcement agencies as well as assisting defendants in presenting the testimony of their own SMD experts.

## LCrRLJ 1 AUTOMATIC WITHDRAWAL OF ATTORNEYS

Unless a Notice of Appeal has been filed, any attorney representing the defendant shall be deemed automatically withdrawn from representation on the case thirty (30) days following a final decision of the court as defined in RALJ, without further notice to the court.

An attorney representing the defendant shall be deemed automatically withdrawn from representation thirty days (30) after the issuance of a warrant without further notice to the court.

## LCRrLJ 2 READINESS HEARING

In order to efficiently summons jurors, to avoid unnecessary disruptions of jurors' lives, and to avoid the waste of public resources the following readiness hearing procedures have been adopted:

Not less than 14 days prior to an assigned jury trial date, the court will hold a readiness hearing where it will be mandatory that the prosecuting attorney, the defense counsel and the defendant will be present. The requirements of this rule can be waived only by the Judge assigned to the case. If the defendant fails to appear for the readiness hearing, a warrant for the arrest of the defendant may issue, bail or bond may be forfeited and costs imposed at the discretion of the court. In the event the defendant waives the jury trial subsequent to the readiness hearing, costs may be imposed pursuant to LARLJ I.



At the readiness hearing, the following matters will be concluded:

1. All plea negotiations
2. Exchange of witness lists
3. Providing of any discovery not previously completed by the pretrial hearing or on issues arising due to new evidence.
4. Motions on new legal issues or new evidence.
5. The Judge will instruct the parties at readiness as to the requirements for submitting Jury instructions

At the conclusion of the readiness hearing, the court will no longer grant any further motions to amend or motions to dismiss the charge (s) unless good cause is shown. Therefore, the case will be tried by jury, unless waived by the defendant, or concluded by a guilty plea to the original charge (s). See LARJ 1