

SHELTON MUNICIPAL COURT
LOCAL RULES

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SHMGR 7
LOCAL RULES - FILING AND EFFECTIVE DATE

The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them and are submitted pursuant to GR 7 with an intent to adopt as changed. These rules may be known and cited as Shelton Municipal Court Local Rules, and shall be referred to as "SHM" along with the corresponding rule abbreviation.

Prior Rules Repealed. These rules supersede and replace any prior rules.

[Effective Sept. 1, 2019]

SHMGR 14
FORMAT FOR PLEADINGS, PAPERS AND ELECTRONIC MEDIA

(a) Format Requirements

(1) Formatting: All pleadings, motions, documents, and other papers filed with the court, except original citations, should be legibly drafted for production or reproduction on 8-1/2 by 11 inch paper. The top margin should be at least three (3) inches except as otherwise approved by the court on certain forms. Except for footnotes, the font size shall be a minimum of 12-point. Paragraphs shall be double-spaced unless a mandatory form authorizes the use of single spacing.

(2) Colored pages are only allowed for certain court-approved forms.

(3) Handwriting Pleadings, Documents, and Papers: To ensure access to the courts for any self-represented party, pleadings may be submitted that are legibly handwritten in black or blue ink, double spaced (unless a mandatory form authorizes the use of single spacing) using only one side of each page.

[Effective Sept. 1, 2019]

SMHGR 17.1
ELECTRONIC COMMUNICATION

(a) Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with the judges and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for e-mail communication over any other form of communication. E-mail is another tool to provide information as may have been through a telephone call or delivery of documents but it is not intended to substitute as oral argument on any issue.

(b) Guidelines for the use of email: Email communication with court staff is appropriate in the following typical situations:

- (1) to obtain a date for an in-court hearing;
- (2) to submit proposed orders (when authorized by the judge) and/or bench copies of pleadings or trial aides;
- (3) to determine the judge's availability;
- (4) to determine the availability of equipment needed for trial (such as a projector, video / compact disc player or speaker phone);

(5) to advise the court of a settlement;

(6) and/or other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

(c) Bench Copies of Briefing: The Court will accept electronic bench copies of briefs prior to a hearing provided the following guidelines are followed.

(1) All parties or their counsel must be provided contemporaneous copies of the email.

(2) Attached documents to an e-mail must be in a PDF or Word format.

(3) The top margin of the first page must include a notation indicating the date and time set for hearing.

(4) A party must advise the court and parties of any later updated or changed versions of a document previously sent via e-mail.

(5) No argument of the issues will be allowed within the e-mail. The purpose of the rule is solely to permit electronic transmission of copies of pleadings.

(d) Ex parte Communication Prohibited: The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. To avoid ex parte contact, all parties must be included in the email and that they appear as additional recipients in the email. If all parties are not included, the judge will not review the email or its content. If an attorney or party is communicating substantive information to court staff, the email must also be sent to the all opposing attorneys /parties 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.

[Effective Sept. 1, 2019]

SHMGR 19
PROCEEDINGS BY VIDEO CONFERENCE OR TELECONFERENCE

(a) Criminal Matters:

(1) Video Conference

(A) Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined in CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Court. Any party may request an in-person hearing under this section, which may in the Court's discretion, be granted.

(B) Other trial court proceedings including the entry of a statement of Defendant on Plea of Guilty as defined 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 Court pursuant to this local court rule.

(C) The judge, counsel, all parties, and the public must be able to see and hear each other during video proceedings, and may speak as permitted by the Court. Video conference facilities must provide for confidential communications between attorney and

client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

(D) For purposes of video conference proceedings, the facsimile or electronic signatures of the defendant, counsel, interested parties and the Court will be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Plea of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary.

(2) Remote Appearance:

(A) Hearings on motion to modify legal financial obligations (LFO's) may be conducted telephonically or by video as arranged by the Court.

(B) Hearings of any other criminal type will not be conducted by telephone or video without prior Court approval.

(b) Infraction Matters:

(1) "Infraction matters" shall be deemed to include traffic infractions, non-traffic infractions, and parking infractions.

(2) Hearings on motion to modify financial obligations may be conducted telephonically or by video with prior Court approval.

(3) Hearings of any other civil type will not be conducted by telephone or video without prior Court approval.

[Effective Sept. 1, 2021]

(a) Electronic E-Filing:

[Reserved]

(b) Service:

(1) If a party serves another party electronically or via email by agreement, then that party must likewise accept service from the other parties electronically or via email.

(c) Judicial Electronic Signatures:

(1) Judicial officers may sign court orders and search warrants with a digital or electronic signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the court and so long as the electronic signature is protected so that it cannot be electronically copied.

(2) The printed or electronic version of these documents shall constitute an original order and shall be placed in, and become part of, the court file or search warrant return file.

(3) 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.

(a) Court transmission of documents:

(1) The Court shall transmit court orders electronically to the City Prosecutor and Public Defenders as technology allows. Other legal counsel and pro se parties can also request electronic transmission of orders. Parties representing themselves and legal counsel without pre-arranged electronic transmission may receive paper copies.

(2) Legal parties or other parties may file documents and pleadings by electronic transmission. The Court clerk's office shall be notified of the filing to assure proper receipt. Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession or that the document so filed is the original.

(3) Signatures of defendants and attorneys are not required on: Order of Release and Setting Court Dates, Stipulated Order of Continuance, any other forms so designated by the Court, and all Infraction judgments. Said documents will indicate party/parties were present.

[Effective Sept. 1, 2021]

SHMGR 39
SUSPENSION OR MODIFICATION OF LOCAL RULES

The court may suspend or modify any of the rules herein, in any given case, upon good cause being shown thereof or upon the court's own motion. Any emergency Court Orders shall be authorized by and through this rule.

[Effective Sept. 1, 2021]

SHMGR 40
VIEWING OF COURT FILES

No individual shall photograph a Court file through any mechanical or electronic means without Court permission. All public Court file content must be reviewed at the counter of the Court lobby unless Court staff allows otherwise.

[Effective Sept. 1, 2019]

SHMCRRLJ 3.1
ASSIGNMENT OF COUNSEL

(g) When an attorney is appointed by Court Order, the attorney does not need to file a Notice of Appearance with the Court; the appointment is deemed a Notice of Appearance.

(h) *Withdrawal of Public Defender.* Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation of the defendant on any given case as follows:

(1) Immediately upon the entry of an order dismissing all counts associated with the case.

(2) For cases not assigned to a therapeutic or problem solving court docket: at the time a final decision is entered by the court on each count associated with the case and thirty (30) days following the final decision of the Court.

(3) All automatic withdrawals under the provisions of this rule shall be effective without any requirement the withdrawing attorney appointed at public expense file a Notice of Intent to Withdraw with the Court.

(4) A "final decision" includes the court's entry of an Order of Dismissal, judgment of "not guilty," judgment of "guilty," finding the defendant not competent to stand trial, an Order Granting Deferred Prosecution, a Stipulated Order of Continuance, completion of Therapeutic Court regardless of outcome, or any other similar disposition.

[Effective Sept. 1, 2021]

SHMCrRLJ 3.3
TIME FOR TRIAL

(f))(3) Confirmation.

A need for a jury for trial shall be confirmed at the day of Readiness / Confirmation hearing prior to the trial date. Failure to confirm a jury will be deemed a request for continuance that will be addressed on the trial date; or that a final resolution has been placed on the Court calendar prior to the trial date; or that a waiver of jury has been filed with the Court, or new Court calendar dates have been set. A jury trial date or bench trial date will not be stricken unless final case resolution has been reached prior to the trial date.

A defendant that appears at a non-confirmed trial date shall have their trial reset for a Readiness / Confirmation and trial date; a defendant that does not appear may have a warrant issue.

[Effective Sept. 1, 2021]

SHMCrRLJ 4.1
ARRAIGNMENT

(g) Appearance by Defendant's Lawyer.

Attorneys retained by defendants, must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment, except in cases in which one or more of the charges involves domestic violence, driving under the influence, physical control, stalking, firearms or any other offenses for which the defendant's presence is mandated by law.

[Effective Sept. 1, 2021]

SHMCrRLJ 6.3
SELECTING THE JURY

(a) In the event that a requested jury panel is no longer needed, the requesting party must cancel the request no later than 3 p.m. the day prior to trial; untimely cancellation without good cause may subject the requesting party to assessed costs for incurred jury management expenses.

[Effective Sept. 1, 2019]

RULE SHMCrRLJ 7.3
JUDGMENT

k)

(1) Community Restitution (Community Service) shall be performed at the prevailing Washington State minimum wage. The Shelton Municipal Court Community Restitution supervisor shall screen individuals for 'off site' or 'on site' Community Restitution. The Court will set a reasonable time period for completion of Community Restitution. The Community Restitution Supervisor may reschedule and add up to 90 days for community service completion after consulting with the presiding Judge as to good cause reasons.

(2) Community Restitution may be done in the City by Mason County District Court defendants; said defendants shall abide by the City restitution screening and rules. (This section shall only apply if the County reaches an agreement with the City on this issue).

[Effective February 1, 2021; enacted pursuant to SHMGR 37]

SHMCrRLJ 8.2 MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a motion form with the court clerk.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least two (2) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial confirmation. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Provided, however, that the Court may waive this requirement if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to notify the court by noon five (5) judicial days prior to the motion day if oral testimony is required and estimated length of time

required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders - Criminal Cases.

Agreed Orders may be presented ex parte for approval or denial by any Judge or Judge pro tempore. Submitted orders that are denied must be noted on the Order and initialed by the judicial officer making that decision.

(d) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar or reset.

(e) Reconsideration of Motions.

A motion for reconsideration shall be clearly labeled. Motions for Reconsideration may not simply re-argue the original motion, but must allege a change in law or circumstances that would materially affect the court's prior decision on the motion and may be summarily denied. A response to a motion for reconsideration may be filed, but is not required unless requested by the court. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion.

[Effective Sept. 1, 2021]

(c) Filing with the Court.

(1) All pleadings must contain the case number(s) noted above the document title. Pleadings that do not include the correct case number may be refused by the Clerk or returned by the Court.

[Effective Sept. 1, 2019]

SHMIRLJ 1.2 DEFINITIONS

m) Community Restitution. "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the defendant.

[Effective Sept. 1, 2021]

SHMIRLJ 2.2 INITIATION OF INFRACTION CASES

(d) Filing of Notice.

(1) Whenever a Notice of Infraction has been issued and not filed with the court within 5 court days of issuance, the Clerk may note the citation "Dismissed without prejudice per SHMIRLJ 2.2," and take no further action.

[Effective Sept. 1, 2019]

SHMIRLJ 2.4 RESPONSE TO NOTICE

(b) Alternatives.

(4) The procedure authorized in IRLJ 2.4 (b)(4) is adopted by this Court.

[Effective Sept. 1, 2019]

SHMIRLJ 3.5

DECISION ON WRITTEN STATEMENTS

The Shelton Municipal Court has adopted a local option as set forth in IRLJ 3.5 for those electing to submit their case for decision on written statement in lieu of contesting or mitigating at a hearing on the record.

(1) A petition for a deferred finding may be done by written request; a petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

[Effective Sept. 1, 2019]

SHMIRLJ 3.6

Miscellaneous Provisions

The following actions are authorized by SHMIRLJ 3.6:

(a) Deferred findings on infractions shall be payable at \$150.00 if paid same day or next court day (deferred by mail 30 days), \$160.00 if paid within ninety (90) days.

(b) The Clerks may allow time payments on individuals with infractions at a minimum of \$25.00 per month, an Administrative time pay fee may be assessed per RCW 46.63.110(6)(c) of \$10.00 per infraction citation number.

(c)Community Restitution may be performed in lieu of fines as arranged with the Community Restitution supervisor. No less than \$25.00 per month of restitution work must be performed to be in compliance with a payment plan. Deferred finding Community Restitution must be completed within 30 days (\$150.00) or 90 days (\$160.00) to be in compliance.

(d)The Clerks may take the following actions at the counter on the infractions listed below (list may be amended due to policy and/or legislative actions):

Parking in Disabled Parking Permit	Dismissed with proof of Disabled Parking Permit
No Insurance – had at the time but did not present	Dismiss with \$25.00 fee
No Insurance – 1 st time, subsequently obtained	\$250.00
Failure to Renew Vehicle License under 2 months	\$100.00
Failure to Renew Vehicle License over 2 months	\$150.00
No Driver’s License on Person – 1 st violation	Dismiss
No Driver’s License on Person – 2 nd violation	\$100.00
NVOL with ID, subsequently obtain License – 1 st violation	\$200.00
Dog License required – 1 st violation	\$125.00
Dog license required – 2 nd violation	\$300.00

[Effective February 1, 2021; enacted pursuant to SHMGR 37]