

GIG HARBOR MUNICIPAL COURT

LOCAL RULES

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GIG HARBOR MUNICIPAL COURT
LOCAL ADMINISTRATIVE RULE (LAR)

LAR 1.1 – ADOPTION OF RULES

These rules are adopted pursuant to CrRLJ 1.7, IRLJ 1.3, and GR 7 and supersede any and all Local Court Rules heretofore adopted by Gig Harbor Municipal Court.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL ADMINISTRATIVE RULE (LAR)

LAR 1.2 – EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for the 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.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL ADMINISTRATIVE RULE (LAR)

LAR 1.3 – RESERVATION OF DISCRETION

Gig Harbor Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on a motion of a party for good cause or on a motion of the court in the interest of justice and/or the efficient operation of the court.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL ADMINISTRATIVE RULE (LAR)

LAR 1.4 – MANDATORY ELECTRONIC FILING AND SERVICE

- a) Definitions – See GR 30(a)
 - b) Electronic filing and service – See GR 30(b) (1-4)
 - c) Electronic filing (“eFile”) authorization, charges, exceptions, waiver, and non-compliance.
- (1) *Mandatory Electronic Filing.* Effective thirty (30) days from implementation of Enterprise Justice case management system, attorneys shall electronically file (eFile) all documents using the court’s designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorneys or *pro se* parties are not required to eFile but are encouraged to do so.
- (2) *Documents That Shall Not Be eFiled.* The following documents must be filed in paper form rather than eFiled:
- (a) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, documents of foreign governments under official seal including foreign and out-of-state judgments and protection orders.
 - (b) Documents presented for filing during a court hearing or trial including documents for in camera review pursuant to GR 15.
 - (c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means. If a party files document that is larger than 8 ½” x 11”, or files a color document, other parties can request a hard copy of those documents. When a request is received, the filing party shall provide a hard copy of the non-standard or color document within two (2) court days after receipt of the request.
 - (d) Documents larger than permitted in the User Agreement.
- (3) *Retention Policy.* If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after

completing of the instant case and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

- (4) *Working Copies.* Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.
- (5) *Time for Filing.* An electronic document is considered filed with the clerk when it is received by the court eFiling system during regular business hours. Any document electronically filed with the court by 5:00 PM Pacific Time on a business day shall be deemed filed with court on that date. A document filed after 5:00 PM Pacific Time or on a non-business day shall be considered filed on the next business day.
- (6) *Waiver of the Requirement to eFile for Attorneys.* If an attorney is unable to eFile documents required by this rule, the attorney must request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver. Upon a showing of good cause, the court may waive the requirement as to a specific document or documents on a case-by-case basis.
- (7) *Electronic Service.* If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.
- (8) *Non-Compliance with this Rule.* If an attorney files a document that requires special handling because of errors, or fails to follow court rules or statutes, or files a document in paper form without an approve waiver, the clerk is authorized to reject the document and return it to the party for eFiling. The court may assess a fee against the attorney for each paper document filed.

[Adopted effective September 1, 2022; amended effective September 1, 2023.]

GIG HARBOR MUNICIPAL COURT
LOCAL GENERAL COURT RULE (LGR)

LGR 2.1 – JUDICIAL DAYS DEFINED

Regular judicial days shall be Wednesday of every week, holidays and court holidays excepted. In the event of holidays or other preemption, court may be held the next scheduled court day. Court sessions shall be at such times and places as the court may deem necessary for its proper administration.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL GENERAL COURT RULE (LGR)

LGR 2.2 – COURTROOM DECORUM

A. PHOTOGRAPHY, RECORDING, TELEVISION, BROADCASTING.

The taking of photographs or the electronic recoding of proceedings in the courtroom or its environs in connection with any judicial proceeding and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as provided in this rule.

As used herein, “judicial proceeding” means: (1) any hearing required to be held “on the record” by Supreme Court rule including but not limited to preliminary hearings, arraignments, pretrial proceedings, motions, criminal and civil trials, sentencing, post-conviction relief hearings, mitigation and contested hearings; (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include any person participating in a judicial proceeding, including parties, witnesses, jurors, judicial officers and court employees.

“Courtroom” of the Gig Harbor Municipal Court means the courtroom itself, witness or jury rooms, and any location where proceedings are conducted.

“Environs” means any area located within the interior confines of the Gig Harbor Municipal Courthouse, including but no limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms, and lobbies therein including probation or other offices.

B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING.

Lawyers, defendants, and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phone or other portable electronic devices shall either be turned off or silenced. No phone calls or text message shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmission do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

C. EXCEPTIONS.

1. The following exception applies to sections A and B above:
 - a) Court, probation, or law enforcement personnel conducting official business.
2. With the consent of the courtroom’s judicial officer or the presiding judge of the court, the following exceptions may be granted to sections A and B above:

- a) News media conditions and limitations as addressed in GR 16.
- b) Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture.
- c) For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security.
- d) For the purposes of judicial administration.
- e) As otherwise authorized by the court.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL RULE (LCrRLJ)

LCrRLJ 3.1 RELEASE OF THE ACCUSED – DOMESTIC VIOLENCE OFFENSES

Any person arrested on probable cause (without a warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance in the absence of a judicial order.

[Adopted April 1, 2022; effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL COURT RULE (LCrRLJ)

LCrRLJ 3.2 -- READINESS TRIAL HEARINGS

A Readiness Hearing shall be held before the Municipal Court Judge in every case in which a timely demand for jury is made. Notice shall be given in open court by the judge to all parties indicating the date and time for this hearing. At the hearing the city prosecutor, defendant, and the defendant's counsel (if any) must be present. By the Readiness Hearing date all discovery must be completed and all motions must have been timely filed. Furthermore, parties shall advise the court if the case can be settled by other than a jury trial. The court will strike the scheduled jury trial and may issue a bench warrant for any defendant that does not appear at the Readiness Hearing.

After the Readiness Hearing the following restrictions to the proceedings shall apply:

All plea negotiations shall be concluded at or before the Readiness Hearing. The court will grant no amendments to the charges or plea bargains after the Readiness Hearing. Therefore, after Readiness the case will be tried by a jury, unless waived by the defendant, or concluded by a guilty plea to the original charge, or dismissal of the charge(s). Plea bargains on all COVID-19 backlog trials will be accepted up to the Wednesday criminal calendar day prior to the scheduled jury trial day.

[Adopted April 22, 2022; effective September 1, 2022].

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL COURT RULE (LCrRLJ)

LCrRLJ 3.3 -- RIGHT TO AND ASSIGNMENT OF COUNSEL

1) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty.

2) Explaining the Availability of a Lawyer. When a person has been arrested, he or she shall as soon as practical be advised of the right to a lawyer. Law enforcement shall allow a person in custody access to a telephone and the current contracted public defender's number if they choose to consult with an attorney.

3) Assignment of Lawyer. Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court will consult the current poverty guidelines as provided by RCW 10.101 to determine eligibility.

4) Withdrawal of Lawyer. When a case has been set for trial, no lawyer shall be allowed to withdraw, except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

5) Upon completion of a case, a signed order deferring prosecution, or a Stipulated Order of Continuance, the lawyer shall be allowed to withdraw without consent of the court. If the lawyer does not withdraw at the completion of the case, and a review or violation hearing is scheduled by the court before the attorney has withdrawn, the attorney's appearance is mandatory. A Readiness Hearing shall be held before the Municipal Court Judge in every case in which a timely demand for jury is made. Notice shall be given in open court by the judge to all parties indicating the date and time for this hearing. At the hearing the city prosecutor, defendant, and the defendant's counsel (if any) must be present. By the Readiness Hearing date, all discovery must be completed and all motions must have been timely filed. Furthermore, parties shall advise the court if the case can be settled by other than a jury trial. The Court will strike the scheduled jury trial and may issue a bench warrant for any defendant that does not appear at the Readiness Hearing.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL COURT RULE (LCrRLJ)

LCrRLJ 3.4 – MANDATORY APPEARANCES

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be the next regularly scheduled arraignment date, except as provided below.

For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle under the Influence, as defined in R.C.W. 46.61.502, 503 or 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the defendant shall be required to appear before a judge on the Wednesday following arrest if the defendant is served with a citation or complaint at the time of the arrest. The following Wednesday shall be deemed the earliest practicable judicial day for the hearing. Appearances are mandatory and may not be waived.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL COURT RULE (LCrRLJ)

LCrRLJ 3.5 – WRITTEN MOTIONS AND BRIEFS

Substantive written motions and briefs shall be filed with the court and served on the opposing party not less than fourteen (14) days before the motion hearing date. Responses thereto shall be filed and served not less than seven (7) days before the hearing date. Substantive motions shall be heard on Wednesdays at the time prescribed in open court, and not later than seven (7) days before Readiness Hearing.

Failure to comply with this rule may result in the court's refusal to hear such motion or in the imposition of terms, both to the adverse party or parties and to the City of Gig Harbor for the expense caused by resulting delays.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL RULES

READINESS HEARING

[RESCINDED]

[Adopted September 1, 2019; rescinded April 22, 2022.]

GIG HARBOR MUNICIPAL COURT
PRETRIAL CONFERENCE RULE
[RESCINDED]

[Adopted September 1, 1993; rescinded April 22, 2022]

GIG HARBOR MUNICIPAL COURT
LOCAL INFRACTION RULE (LIRLJ)

LIRLJ 4.1 – MITIGATION AND CONTESTED HEARINGS BASED ON WRITTEN STATEMENTS

Submitting a written statement either contesting the infraction or explaining mitigating circumstances is authorized by local court rule. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be sworn under penalty of perjury in compliance with RCW 9A.72.085.

A written request for a hearing by mail and a written statement under penalty of perjury in compliance with IRLJ 2.4(b)(4) must be filed with the court a minimum of five (5) court days in advance of the date set for hearing. A decision will be issued pursuant to IRLJ 2.6(c) and IRLJ 3.5. If a written submission is not timely provided and defendants fails to appear for the hearing, a committed finding may be entered and a penalty in the amount show on the fact of the citation assessed.

Decisions on Written Statements. The court has adopted this local rule authorizing decisions on written statements, and it shall, upon receipt of a statement pursuant to IRLJ 4.1 and IRLJ 2.6(c), consider the case in accordance with IRLJ 3.5. The court is not required to notify the parties of a date for the examination of the statement.

[This Rule shall be effective September 1, 2022.]

GIG HARBOR MUNICIPAL COURT
LOCAL INFRACTION RULE (LIRLJ)

LIRLJ 4.2 – SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION
CERTIFICATION

A request for a Speed Measuring Device expert must be filed in accordance with IRLJ 6.6(b). The request must be on a separate pleading. The court may allow the speed measuring device expert to testify telephonically from a location other than the courtroom. A defendant who causes the Speed Measuring Device expert to be subpoenaed shall be responsible for all costs related to the appearance of that witness in court, including any appearance made by the expert telephonically, as provided in RCW 46.63.151 if thereafter found by the court to have committed the infraction.

[This Rule shall be effective September 1, 2022.]