

**IN THE MUNICIPAL COURT OF THE STATE OF WASHINGTON
IN AND FOR THE CITY OF AIRWAY HEIGHTS**

IN RE COURT ADMINISTRATION

**ORDER
ADOPTING LOCAL RULES**

THIS MATTER IS BEFORE THE COURT on its own motion. The Presiding Judge of Airway Heights Municipal Court moves that, for the efficient administration of justice, it is necessary and desirable to add to and modify the Airway Heights Municipal Court Local Court Rules by adopting the new rules, below:

AWHGR 7 LOCAL RULES - FILING AND EFFECTIVE DATE

(g) Reference. The provisions of the Local Rules are supplemental to Washington State Court Rules, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them. These rules are adopted and are submitted pursuant to GR 7(e) and CrRLJ 1.7 with an intent to adopt as changed. These rules may be known and cited as Airway Heights Municipal Court Local Rules, and shall be referred to as "AWH" along with the corresponding rule abbreviation.

(h) Prior Rules Repealed. These rules supersede and replace any prior rules.

Effective September 1, 2019, Amended September 1, 2021.

AWHGR 14 FORMAT FOR PLEADINGS, PAPERS AND ELECTRONIC MEDIA

(a) Reserved by state rule

(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 one inch 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.

(b) - (e) Reserved by state rule

(e) Required Content

(1) Mandatory Forms:

(A) In order to promote clarity in pleadings, reduce drafting errors, and to expedite the processing and entry of pleadings by court staff, the court may promulgate a number of local mandatory forms which will be required to be used by all parties to an action when such form is available. Mandatory local forms may be obtained free of charge from the Airway Heights Municipal Court Clerk.

(B) Where no local mandatory form is available and a form has been promulgated by the Washington State Supreme Court, then use of the state form shall be mandatory. State forms may be obtained by accessing: <https://www.courts.wa.gov/forms/>.

(2) Police Report/Incident Number: Any document presented to the court for filing that will impact the custody status of an individual, involves a No Contact Order, firearm rights, or warrant must include the correct police report/incident number in the caption of the document.

(3) Action Documents - Clerk's Action Required: Pleadings or other papers requiring action on the part of the Clerk of the court (other than filing, stamping, docketing and placing in the court file) shall constitute action documents. These include, but are not limited to pleadings that must be forwarded to law enforcement, an evaluator, or a treatment agency. Action documents shall include a note in the caption that "Clerk's Action Required" with reference to the paragraph requiring action. The specific action required of the Clerk shall be stated with particularity in the body of the pleading or other paper requiring action on the part of the Clerk.

(4) Correct Information: Any document or correspondence presented to the court for filing which does not have the correct cause number and report/incident number in the caption or correspondence may not be filed and may be returned to the presenter.

Effective September 1, 2019.

AWHGR 17.5 E-MAIL COMMUNICATION

(a) Purpose: The purpose of this rule is to provide guidelines for the use of email in communicating with the Presiding Judge 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. Email 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 format.
- (3) The top margin of the first page must include a notation indicating the date and time set for the 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 email. 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 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 all opposing attorneys/parties and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated scheduling problems, concerns regarding security and other case-specific issues.

Effective September 1, 2019; Amended September 1, 2021.

AWHGR 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 may be located next to the defendant, or may appear over video. The proceeding must be conducted in a way that ensures 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) Teleconference:

(A) Hearings on motion to modify financial obligations may be conducted telephonically if the defendant resides outside the boundaries of Airway Heights.

(B) Hearings of other types may be conducted by telephone or video with prior approval of the judge.

(b) Infraction Matters:

(1) Definitions:

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

(2) Hearings on motion to modify financial obligations may be conducted telephonically if the defendant resides outside the boundaries of Airway Heights.

(3) Infraction Hearings may be conducted by telephone or video without prior approval of the judge.

Effective September 1, 2019; Amended September 1, 2021.

AWHGR 20 SECURITY IN HANDLING COURT EXHIBITS

(f) Submission of Evidence in Multi-media Format for Consideration at Hearings

Prior to acceptance of media in any format for filing, use or display, the submitting party must contact the Court Administrator no later than 48 hours prior to submission in order to assure format-compatibility and scanning the media for virus and malware prior to use with court equipment.

Effective September 1, 2019.

AWHGR 29 PRESIDING JUDGE

(c) (Reserved)

(f) Duties and Authority of Presiding Judge.

(f)(5)(a) Personnel Assigned to Perform Court Functions

(i) Court Commissioner - Selection. Upon a vacancy for Court Commissioner, the court may advertise the vacancy and accept applications. The Presiding Judge shall screen the written applications, conduct interviews and select the Court Commissioner.

(ii) Court Commissioner - Termination. The Court Commissioner shall serve at the pleasure of the Presiding Judge.

(f)(5)(c) Court Administrator

(i) Selection. Upon a vacancy, the Presiding Judge shall take the necessary steps to obtain qualified applicants. The Presiding Judge shall screen the written applications, conduct interviews and select the Court Administrator

(ii) Termination. The Court Administrator shall serve at the pleasure of the Presiding Judge.

(iii) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include but not be limited to those duties set forth in the job description for the Court Administrator.

(f)(14) Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the court for noncompliance with this rule, or other misconduct, regardless of whether the paralegal is permitted to present orders before other courts.

Effective September 1, 2019.

AWHGR 30 ELECTRONIC FILING AND SERVICE

(d)(2)

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) 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 (SECTOR) application, the Law Enforcement Records Management System (LERMS), the Justice Information Network Data Exchange, Automated Traffic Safety (ATS) Axis™ or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) Judicial Electronic Signatures:

(i) Judicial officers may sign 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 judicial officers and so long as the electronic signature is protected so that it cannot be electronically copied.

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

(iii) 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.

(iv) This rule may be amended or supplemented during the year by general order.

Effective September 1, 2019.

AWHGR 39 SUSPENSION OR MODIFICATION OF LOCAL RULES

The court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the court's own motion.

Effective September 1, 2019.

AWHCrRLJ 1.4 DEFINITIONS

(b) "Court day" means any day on which a court is open for the transaction of administrative business, including but not limited to the acceptance of papers for filing.

(c) "Judicial Day" includes only days when court is in regular session.

(d) "Regular Session" means the days of the week that the court typically holds full court dockets and does not include dates where the court hears only in custody first appearances on an as needed basis. The court will post information on its website indicating which days of the week are days for "Regular Session".

Effective September 1, 2021.

AWHCrRLJ 3.1 ASSIGNMENT OF COUNSEL

(e) 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) Sixty (60) 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" within the meaning of this rule 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, or an Order Granting Deferred Prosecution.

Effective September 1, 2019; Amended September 1, 2021.

AWHCrRLJ 3.2 RELEASE OF ACCUSED

(o) Bail in Criminal Offense Cases - Mandatory Appearance.

(1) A bail schedule for persons arrested on probable cause, except such schedule as is mandated by CrRLJ 3.2(o), may be established by the Presiding Judge. The Schedule may be revised from time to time in the interests of justice and will be available in the Clerk's office. The bail schedule shall be a General Order and not part of the Local Rules. A copy of the General Order setting forth the bail schedule shall be furnished to the jail.

(2) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

(a) An offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.

(b) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.

(c) An offense under RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence).

Effective September 1, 2019; Amended September 1, 2021.

AWHCrRLJ 3.2.1 PROCEDURE FOLLOWING WARRANTLESS ARREST— PRELIMINARY HEARING

(d) Preliminary Appearance.

(1) Adult. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must be brought before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(A) A judicial officer may issue an order on probable cause, release the accused with conditions (if appropriate), and set the matter on the next regular session judicial day for first appearance.

(B) If a judicial officer does not issue an order or determines that the accused is to be detained in jail, the defendant shall be brought before a judicial officer for a video jail first appearance in accordance with CrRLJ 3.2.1(d)(1) and this rule.

i. This rule is not intended to enlarge the period set for a preliminary appearance in CrRLJ 3.2.1.

Effective September 1, 2021.

AWHCrRLJ 3.3 TIME FOR TRIAL

(f) Continuances.

Form and Procedure. A continuance in a criminal matter shall be requested on a Case Scheduling Order, stating the reason necessitating the continuance request.

Effective September 1, 2019.

AWHCrRLJ 3.4 PRESENCE OF THE DEFENDANT

Effective September 1, 2019; repealed September 1, 2021.

AWHCrRLJ 4.1 ARRAIGNMENT

(a) Time.

(3) "Judicial Day" The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is requires the defendant to appear at the first date following arrest when Court is in regular session.

(g) Appearance by Defendant's Lawyer.

Attorneys retained by defendants who have assumed representation of defendants must

promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document. The appointment of a public defender shall constitute a notice of appearance.

a. 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 September 1, 2019; Amended September 1, 2021.

AWHCrRLJ 4.2 PROCEDURE UPON A PLEA OF GUILTY

(g) Written Statement. Guilty plea forms are available on the Washington State Court website <http://www.courts.wa.gov/forms>.

(i) Statement of Defendant on Plea of Guilty shall be signed by the defendant in person or by electronic signature. Noting "Telephonic Approval" will not be accepted.

(ii) Deferred Prosecution

a. A Petition for Deferred Prosecution shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be substantially in the form provided on the Washington State Court website (<http://www.courts.wa.gov/forms>).

b. The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from Municipal Probation, or such other Court Designee authorized under Chapter 10.05 of the Revised Code of Washington.

Effective September 1, 2019; Amended September 1, 2021.

AWHCrRLJ 4.7 DISCOVERY

(e) Discretionary Disclosures.

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the court may have a basis for its ruling.

Effective September 1, 2019.

AWHCrRLJ 6.3 SELECTING THE JURY

(a) When the case is called for trial, the jurors shall be selected at random from the jurors summoned who have appeared and have not been excused.

(c) In the event that a requested jury panel is no longer needed, the requesting party must cancel the request no later than 4 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 September 1, 2019.

AWHCrRLJ 8.2 MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a Note for Hearing with the court clerk with a date pre-approved by the Court Administrator or Court Clerk. Motions shall only be set on a Regular Session Judicial Day unless otherwise permitted by the court. The Note for Hearing shall be served upon all necessary parties. Notice shall include indication as to whether oral testimony is required and estimated length of time required for the Motion.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Any reply shall be filed and served the day before the Motion Hearing. Memoranda relating to motions shall not exceed ten (10) pages, not including attachments and exhibits. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Supporting Declarations and Exhibits.

Declarations and Exhibits supporting Dispositive Motions or Motions to Suppress must be clearly marked as such. The parties briefing shall delineate which portions of the Exhibit or Declaration is pertinent to the motion. Each supporting Exhibit shall be limited to twenty (20) pages and pages shall be clearly numbered for ease of reference. Supporting Declarations shall be limited to five (5) pages. Requests for waiver of page limitations may be granted for good cause shown. Police reports are excluded from the page limitation. All exhibits filed with the court shall be properly redacted in accordance with Washington State Law and applicable state court rules.

(d) Agreed Orders - Criminal Cases.

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

(e) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies may be delivered to the Judicial Secretary by hard copy or email in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date of the motion and the notation "Working Copy." Failure to comply with this requirement may result in a continuance and imposition of terms. A Working Copy is not required for pleadings filed using the court's eFile system.

(f) 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.

(g) Reconsideration of Motions. A motion for reconsideration shall be clearly labeled. Motions for Reconsideration shall be governed by CRLJ 59.

Effective September 1, 2019; Amended September 1, 2021.

AWHCrRLJ 8.4 SERVICE, FILING AND SIGNING OF PAPERS

(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 September 1, 2019.

AWHRLJ 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 days of issuance, the Clerk or his/her designee may note the citation "Dismissed without prejudice per AWHRLJ 2.2," and take no further action.

Effective September 1, 2019.

AWHRLJ 2.4 RESPONSE TO NOTICE

(b) Alternatives.

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

Effective September 1, 2019.

AWHRLJ 2.6 SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1)(i) The procedure authorized in IRLJ 2.6 (a)(i) for scheduling of a prehearing conference is adopted by this Court.

Effective September 1, 2019.

AWHRLJ 3.3 PROCEDURE AT CONTESTED HEARING

(f) Motions and objections. The court will not consider dispositive motions or motions to

suppress evidence at the time of the contested hearing. Said motions must be brought prior to the contested hearing on a regularly scheduled infraction motion docket pursuant to CRLJ 7(b), CRLJ 11(a) and (b), and AWHIRLJ 6.8. If either party objects during the contested hearing to the admission of certain evidence, and the court deems that if sustained suppression of the evidence would be dispositive of the case, the court may at its discretion continue the hearing for briefing on the issue unless briefing was previously served on the court and the opposing party at least 48 hours prior to hearing.

Effective September 1, 2019.

AWHIRLJ 3.4 HEARING ON MITIGATING CIRCUMSTANCES

(c) Disposition.

(1) Written Request for Penalty Reduction. A defendant requesting a reduction of the Infraction penalty may have such determination based on his or her prior driving record without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written Order maintained in the Clerk's Office and available upon request.

Effective September 1, 2019.

AWHIRLJ 3.5 DECISION ON WRITTEN STATEMENTS

The Airway Heights 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.

Effective September 1, 2019.

IT IS THEREFORE ORDERED THAT the above local rules, AWHGR 7 Local Rules - Filing and Effective Date, AWHGR 14 Format for Pleadings and Other Papers, AWHGR 17.5 Email Communication, AWHGR 19 Proceedings by Video Conference or Teleconference, AWHGR 20 Security in Handling Court Exhibits, AWHGR 29 Presiding Judge, AWHGR 30 Electronic Filing, AWHGR 39 Suspension or Modification of Local Rules, AWHCR 1 Reserved, AWHCrRLJ 1.4 Definitions, AWHCrRLJ 3.1 Assignment of Counsel, AWHCrRLJ 3.2 Release of Accused, AWHCrRLJ 3.2.1 Procedure Following Warrantless Arrest – Preliminary Hearing, AWHCrRLJ 3.3 Time for Trial, AWHCrRLJ 3.4 Presence of the Defendant (Repealed September 1, 2021), AWHCrRLJ 4.1 Arraignment, AWHCrRLJ 4.2 Procedure upon a Plea of Guilty, AWHCrRLJ 4.7 Discovery, AWHCrRLJ 6.3 Selecting the Jury, AWHCrRLJ 8.2 Motions, AWHCrRLJ 8.4 Service, Filing and Signing of Papers, AWHIRLJ2.2 Initiation of Traffic Cases, AWHIRLJ2.4 Response to Notice, AWHIRLJ3.3 Procedure at Contested Hearing, AWHIRLJ3.4 Hearing on Mitigating Circumstances, AWHIRLJ3.5 Decision on Written Statements, AWHIRLJ 6.8 Motion Practice are to be forwarded to the Office of the Administrator for the Courts as required by GR 7(e), and that the new rule becomes effective September 1, 2021.

DONE this 25th day of June, 2021



PRESIDING JUDGE ANGELLE GERL

AIRWAY HEIGHTS MUNICIPAL COURT LOCAL RULES

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AWHGR 30	Electronic Filing
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AWHGR 7

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(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 format.

(3) The top margin of the first page must include a notation indicating the date and time set for the 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 email. 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 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 all opposing attorneys/parties and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated scheduling problems, concerns regarding security and other case-specific issues.

(Effective September 1, 2019; Amended September 1, 2021.)

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 may be located next to the defendant, or may appear over video. The proceeding must be conducted in a way that ensures 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) Teleconference:

(A) Hearings on motion to modify financial obligations may be conducted telephonically if the defendant resides outside the boundaries of Airway Heights.

(B) Hearings of other types may be conducted by telephone or video with prior approval of the judge.

(b) Infraction Matters:

(1) Definitions:

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

(2) Hearings on motion to modify financial obligations may be conducted telephonically if the defendant resides outside the boundaries of Airway Heights.

(3) Infraction Hearings may be conducted by telephone or video without prior approval of the judge.

(Effective September 1, 2019; Amended September 1, 2021.)

AWHGR 20

SECURITY IN HANDLING COURT
EXHIBITS

(f) Submission of Evidence in Multi-media Format for Consideration at Hearings

Prior to acceptance of media in any format for filing, use or display, the submitting party must contact the Court Administrator no later than 48 hours prior to submission in order to assure format-compatibility and scanning the media for virus and malware prior to use with court equipment.

(Effective September 1, 2019.)

AWHGR29

PRESIDING JUDGE

(c) (Reserved)

(f) Duties and Authority of Presiding Judge.

(f)(5)(a) Personnel Assigned to Perform Court Functions

(i) Court Commissioner - Selection. Upon a vacancy for Court Commissioner, the court may advertise the vacancy and accept applications. The Presiding Judge shall screen the written applications, conduct interviews and select the Court Commissioner.

(ii) Court Commissioner - Termination. The Court Commissioner shall serve at the pleasure of the Presiding Judge.

(f)(5)(c) Court Administrator

(i) Selection. Upon a vacancy, the Presiding Judge shall take the necessary steps to obtain qualified applicants. The Presiding Judge shall screen the written applications, conduct interviews and select the Court Administrator

(ii) Termination. The Court Administrator shall serve at the pleasure of the Presiding Judge.

(iii) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include but not be limited to those duties set forth in the job description for the Court Administrator.

(f)(14) Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the court for noncompliance with this rule, or other misconduct, regardless of whether the paralegal is permitted to present orders before other courts.

(Effective September 1, 2019.)

AWHGR 30

ELECTRONIC FILING AND SERVICE

(d)(2)

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) 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 (SECTOR) application, the Law Enforcement Records Management System (LERMS), the Justice Information Network Data Exchange, Automated Traffic Safety (ATS) Axisis™ or the local secured system "Xpediter" used by the County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) Judicial Electronic Signatures:

(i) Judicial officers may sign 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 judicial officers and so long as the electronic signature is protected so that it cannot be electronically copied.

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

(iii) 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.

(iv) This rule may be amended or supplemented during the year by general order.

(Effective September 1, 2019.)

AWHGR39

SUSPENSION OR MODIFICATION OF LOCAL RULES

The court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the court's own motion.

(Effective September 1, 2019.)

AWHCrRLJ 1.4

DEFINITIONS

- (b) "Court day" means any day on which a court is open for the transaction of administrative business, including but not limited to the acceptance of papers for filing.
- (c) "Judicial Day" includes only days when court is in regular session.
- (d) "Regular Session" means the days of the week that the court typically holds full court dockets and does not include dates where the court hears only in custody first appearances on an as needed basis. The court will post information on its website indicating which days of the week are days for "Regular Session".

(Effective September 1, 2021.)

AWHCrRLJ 3.1
ASSIGNMENT OF
COUNSEL

- (e) 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) Sixty (60) 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" within the meaning of this rule 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, or an Order Granting Deferred Prosecution.

(Effective September 1, 2019; Amended September 1, 2021.)

AWHCrRLJ 3.2

RELEASE OF ACCUSED

(o) Bail in Criminal Offense Cases - Mandatory Appearance.

(1) A bail schedule for persons arrested on probable cause, except such schedule as is mandated by CrRLJ 3.2(o), may be established by the Presiding Judge. The Schedule may be revised from time to time in the interests of justice and will be available in the Clerk's office. The bail schedule shall be a General Order and not part of the Local Rules. A copy of the General Order setting forth the bail schedule shall be furnished to the jail.

(2) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

- (a) An offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.
- (b) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.
- (c) An offense under RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence).

(Effective September 1, 2019; Amended September 1, 2021.)

AWHCrRLJ 3.2.1

PROCEDURE FOLLOWING WARRANTLESS
ARREST— PRELIMINARY HEARING

(d) Preliminary Appearance.

(1) *Adult.* Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must be brought before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(A) A judicial officer may issue an order on probable cause, release the accused with conditions (if appropriate), and set the matter on the next regular session judicial day for first appearance.

(B) If a judicial officer does not issue an order or determines that the accused is to be detained in jail, the defendant shall be brought before a judicial officer for a video jail first appearance in accordance with CrRLJ 3.2.1(d)(1) and this rule.

i. This rule is not intended to enlarge the period set for a preliminary appearance in CrRLJ 3.2.1.

(Effective September 1, 2021.)

AWHCrRLJ 3.3

TIME FOR TRIAL

(f) Continuances.

Form and Procedure. A continuance in a criminal matter shall be requested on a Case Scheduling Order, stating the reason necessitating the continuance request.

(Effective September 1, 2019.)

AWHCrRLJ 3.4

PRESENCE OF THE DEFENDANT

(Effective September 1, 2019; repealed September 1, 2021.)

AWHCrRLJ 4.1

ARRAIGNMENT

(a) Time.

- (3) “Judicial Day” The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is requires the defendant to appear at the first date following arrest when Court is in regular session.

(g) Appearance by Defendant's Lawyer.

Attorneys retained by defendants who have assumed representation of defendants must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document. The appointment of a public defender shall constitute a notice of appearance.

- a. 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 September 1, 2019; Amended September 1, 2021.)

AWHCrRLJ 4.2

PROCEDURE UPON A PLEA OF
GUILTY

(g) Written Statement. Guilty plea forms are available on the Washington State Court website <http://www.courts.wa.gov/forms>.

(i) Statement of Defendant on Plea of Guilty shall be signed by the defendant in person or by electronic signature. Noting “Telephonic Approval” will not be accepted.

(ii) Deferred Prosecution

a. A Petition for Deferred Prosecution shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be substantially in the form provided on the Washington State Court website (<http://www.courts.wa.gov/forms>).

b. The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from Municipal Probation, or such other Court Designee authorized under Chapter 10.05 of the Revised Code of Washington.

(Effective September 1, 2019; Amended September 1, 2021.)

AWHCrRLJ 4.7

DISCOVERY

(e) Discretionary Disclosures.

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the court may have a basis for its ruling.

(Effective September 1, 2019.)

AWHCrRLJ 6.3

SELECTING THE JURY

(a) When the case is called for trial, the jurors shall be selected at random from the jurors summoned who have appeared and have not been excused.

(c) In the event that a requested jury panel is no longer needed, the requesting party must cancel the request no later than 4 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 September 1, 2019.)

AWHCrRLJ 8.2

MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a Note for Hearing with the court clerk with a date pre-approved by the Court Administrator or Court Clerk. Motions shall only be set on a Regular Session Judicial Day unless otherwise permitted by the court. The Note for Hearing shall be served upon all necessary parties. Notice shall include indication as to whether oral testimony is required and estimated length of time required for the Motion.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Any reply shall be filed and served the day before the Motion Hearing. Memoranda relating to motions shall not exceed ten (10) pages, not including attachments and exhibits. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Supporting Declarations and Exhibits.

Declarations and Exhibits supporting Dispositive Motions or Motions to Suppress must be clearly marked as such. The parties briefing shall delineate which portions of the Exhibit or Declaration is pertinent to the motion. Each supporting Exhibit shall be limited to twenty (20) pages and pages shall be clearly numbered for ease of reference. Supporting Declarations shall be limited to five (5) pages. Requests for waiver of page limitations may be granted for good cause shown. Police reports are excluded from the page limitation. All exhibits filed with the court shall be properly redacted in accordance with Washington State Law and applicable state court rules.

(d) Agreed Orders - Criminal Cases.

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

(e) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies may be delivered to the Judicial Secretary by hard copy or email in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date of the motion and the notation "Working Copy." Failure to comply with this requirement may result in a continuance and imposition of terms. A Working Copy is not required for pleadings filed using the court's eFile system.

(f) 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.

(g) Reconsideration of Motions. A motion for reconsideration shall be clearly labeled. Motions for Reconsideration shall be governed by CRLJ 59.

(Effective September 1, 2019; Amended September 1, 2021.)

AWHCrRLJ 8.4

SERVICE, FILING AND SIGNING OF
PAPERS

(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 September 1, 2019.)

AWHIRLJ 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 days of issuance, the Clerk or his/her designee may note the citation "Dismissed without prejudice per AWHIRLJ 2.2," and take no further action.

(Effective September 1, 2019.)

AWHIRLJ 2.4

RESPONSE TO NOTICE

(b) Alternatives.

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

(Effective September 1, 2019.)

AWHIRLJ 2.6

SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1)(i) The procedure authorized in IRLJ 2.6 (a)(1)(i) for scheduling of a prehearing conference is adopted by this Court.

(Effective September 1, 2019.)

AWHIRLJ 3.3

PROCEDURE AT CONTESTED HEARING

(f) Motions and objections. The court will not consider dispositive motions or motions to suppress evidence at the time of the contested hearing. Said motions must be brought prior to the contested hearing on a regularly scheduled infraction motion docket pursuant to CRLJ 7(b), CRLJ 11(a) and (b), and AWHIRLJ 6.8. If either party objects during the contested hearing to the admission of certain evidence, and the court deems that if sustained suppression of the evidence would be dispositive of the case, the court may at its discretion continue the hearing for briefing on the issue unless briefing was previously served on the court and the opposing party at least 48 hours prior to hearing.

(Effective September 1, 2019.)

AWHIRLJ 3.4

HEARING ON MITIGATING
CIRCUMSTANCES

(c) Disposition.

(1) Written Request for Penalty Reduction. A defendant requesting a reduction of the Infraction penalty may have such determination based on his or her prior driving record without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written Order maintained in the Clerk's Office and available upon request.

(Effective September 1, 2019.)

AWHIRLJ 3.5

DECISION ON WRITTEN
STATEMENTS

The Airway Heights 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.

(Effective September 1, 2019.)