

Stevens County District Court

LOCAL RULES FOR THE DISTRICT COURT IN AND FOR STEVENS COUNTY

Effective September 1, 2008

Table of Rules

I . Local General Rules

[Revised effective September 1, 2021.]

SCLGR 11. Interpreters

II . Local Administrative Rules

SCLARLJ 2. Scope of Local Rules

SCLARLJ 2.1. Decorum

SCLARLJ 3. Return of Exhibits

SCLARLJ 6. Appearance by Telephone

SCLARLJ 9. Disclosure of Public Records

[Revised effective September 1, 2021.]

III . Local Civil Rules

SCLCRLJ 54. Judgments and Costs

SCLCRLJ 55. Default

SCLCRLJ 65. Name Changes

IV . Local Criminal Rules

SCLCrRLJ 2.1(c) Citizen Complaints

SCLCrRLJ 3.4(d) Presence of the Defendant

SCLCrRLJ 4.1(f) Crimes Requiring Defendant's Appearance at Arraignment

SCLCrRLJ 4.2(i) Deferred Prosecution

SCLCrRLJ 4.5 Pre-Trial Hearing

SCLCrRLJ 4.5.1 Trial Readiness Hearing

SCLCrRLJ 6.15. Jury Instructions

SCLCrRLJ 8.2 Motions

SCLCrRLJ 8.13 Note for Hearing

V . Local Infraction Rules

SCLIRLJ 2.6 (c) Mitigation Hearings by Written Statements

SCLIRLJ 3.6 Presence of Prosecuting Attorney

SCLGR 11.
INTERPRETERS

All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by General Rule 11.1 and General Rule 11.2

SCLARLJ 2.
SCOPE OF LOCAL RULES

These rules govern the procedure in the District Court of the State of Washington for Stevens County. These rules are supplemental to the rules enacted by the Washington State Supreme Court for courts of limited jurisdiction as specifically authorized by GR 7, CRLJ 83, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion.

SCLARLJ 2.1.
DECORUM

Courtroom Decorum. All attorneys and other individuals in the courtroom shall abide by the following rules of conduct:

- (a) Always be prompt. Be in the courtroom ready to proceed at the appointed time.
- (b) Stand when the judge or the jury enters or leaves the courtroom.
- (c) Do not make personal attacks on opposing counsel or parties.
- (d) Do not interrupt. Wait your turn. Address all remarks to the Judge. Argument between litigants or their attorneys is not permitted.
- (e) After the judge has ruled, ask the Judge's permission before arguing further.
- (f) Rise when addressing the judge and when making objections as this calls the Judge's attention to you.
- (g) Do not approach a witness, the jury or the Judge without asking permission of the Judge.
- (h) Dress appropriately to the serious nature of the matters before the court.
- (i) No food or beverages of any kind are to be brought into the courtroom.
- (j) Cell phones, pagers, electronic devices are to be turned off in the courtroom.

[Amended effective September 1, 2021.]

**SCLARJ 3.
RETURN OF EXHIBITS**

Every exhibit admitted into evidence or marked for identification in any type of trial or other court proceeding, shall be returned to the party or attorney who produced that exhibit for identification. The return shall be made upon written application, not later than two weeks following the termination of the time allowed to take an appeal. Bulky exhibits not requested to be returned during that period may be delivered by the court clerk to the local law enforcement authority for disposition as abandoned property. If the exhibit is contraband or weapons, it shall be disposed of by destruction. No exhibit or identification shall be withdrawn or delivered without receipt being acknowledged by the receiving party.

**SCLARJ 6.
APPEARANCE BY TELEPHONE**

Hearings of any type will not be conducted by telephone without prior approval of the judge on a showing of good cause.

**SCLARJ 9.
DISCLOSURE OF PUBLIC RECORDS**

The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order:

1. Affidavits, transcriptions or electronic records for search warrants prior to the return of service of such warrants;
2. Affidavits, transcriptions or electronic records for arrest warrants prior to the return of service of such warrants;
3. Pre-sentence or post-sentence investigation reports;
4. Mental health, psychiatric, and/or medical reports and records, unless admitted into evidence and not ordered sealed;
5. Alcohol, drug, and/or controlled substance evaluations unless admitted into evidence and not ordered sealed;
6. Certified and non-certified paper copies and electronic representation of driving and criminal records unless admitted into evidence;
7. Judge's notes and working documents, whether written or electronic.

Access to confidential records is strictly limited to persons or entities authorized by statute or court order to obtain such records. Persons requesting access to court records must have proper identification.

**SCLCRLJ 54.
JUDGMENTS AND COSTS**

(c) Demand for Judgment

(1) Ex Parte Judgments and Orders. Counsel, legal interns and legal assistants presenting a judgment or seeking entry of an order shall be responsible to see that all papers pertaining thereto are filed and that the court file is provided to the judge. Counsel may present routine ex parte or stipulated matters based on the record in the file by mail addressed to the Court. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders. Only one conformed copy will be returned to the presenting counsel.

(d) Attorney Fees

(1) Statutory attorney fees may be granted when reasonable attorney fees are not authorized. Statutory attorney fees will be as specified in RCW 12.20.060: if plaintiff obtains judgment, exclusive of costs, of at least \$200.00, attorney fees of \$200.00 shall be included; if plaintiff obtains judgment, exclusive of costs, of less than \$200.00, then attorney fees of \$125.00 shall be included.

(2) If reasonable attorney fees are requested based on a contract provision, the contract provision must be conspicuously highlighted to be readily ascertainable.

(3) Reasonable attorney fees when allowed by statute or contract will be authorized pursuant to the following attorney fee schedule in all default cases unless the parties present evidence of circumstances which convince the court that a greater or lesser amount should be awarded. The Court shall have the authority to vary from the following schedule on its own motion.

Amount of principal and interest	Attorney fee
\$0 --- \$500.00	\$250.00
\$500.01 --- \$1000.00	\$300.00
\$1000.01 --- \$1500.00	\$350.00
\$1500.01 --- \$2000.00	\$400.00
\$2000.01 --- \$2500.00	\$450.00

\$2500.01 --- \$3000.00	\$500.00
\$3000.01 --- \$4000.00	\$550.00
\$4000.01 --- \$5000.00	\$600.00
\$5000.01 --- \$6000.00	\$650.00
\$6000.01 --- \$7500.00	\$700.00
\$7500.01 --- \$10,000.00	\$850.00
Over \$10,000.00	10%

(4) Specific citation of authority must accompany requests for reasonable attorney fees on any basis other than contract provision.

**SCLCRJ 55.
DEFAULT**

(a) Entry of Default Judgment.

(5) All necessary papers required for entry of a default judgment shall be filed at the same time as the motion for default judgment, unless extended by court order to correct a clerical error or omission or for furnishing of any proof required by the court. Default judgments shall be subject to the following:

(6) No default judgment shall be granted except upon motion by plaintiff's attorney of record, or if none, by motion of plaintiff.

(7) No default judgment shall be granted except upon proof satisfactory to the court. The court shall require at least the following to be on file with the motion for default judgment, unless otherwise excused by the court for good cause:

(i) on assigned causes of action, the assignment instrument;

(ii) on causes of action based on a negotiable instrument, the original negotiable instrument;

(iii) on causes of action based on a retail sales contract, chattel mortgage, or conditional sales contract, the original contract (or a copy if the original has been filed with a government agency).

Where applicable, an automobile title or bill of sale must be filed;

(iv) on causes of action based on open account where the complaint is not specific, a written statement of account setting forth all charges and credits and the dates thereof, the nature of merchandise or services furnished, and a statement of any interest or surcharges which are included;

(v) on causes of action for rent based on an oral lease, a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

(vi) on causes of action for rent based on a written lease, a copy of the lease and a statement of account setting forth the dates of accrued rent, dates of delinquency, late charges and any other costs. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

(vii) on causes of action based on all other contracts, oral testimony to prove performance may be required, together with filing of a copy of the contract, if written; and filing or proving the items of account and any credits;

(viii) on causes of action for tort, the proof required shall be the same as required above for proving contract balances except that the following additional proof of the amount of damage shall be required:

- * Property damage may be proved by repair bills or estimates;
- * Loss of use claims, loss of wages, and pain and suffering shall be proved by oral testimony;
- * Hospital and doctor bills may be proved by written bills, whether paid or not.

(8) No judgment for interest shall be allowed unless citation to applicable authority is presented and there is on file proof of the factors necessary for computation of interest including applicable dates, rate of interest, amounts subject to interest, and a computation of the total interest claimed due.

(9) Default Judgments must be accompanied by:

- (i) Affidavit of Service if not previously filed.
- (ii) Affidavit of Soldiers' and Sailors' Relief Act.

(g) Collection and handling charges and attorney fees on actions brought to collect dishonored checks shall not be allowed unless proof of the following is provided:

(1) The statutory form of notice of dishonor has been sent as required by RCW chapter 62.A-3 and a copy is filed with the court.

(2) An accounting statement, or some reasonable alternate means of determining the plaintiff's collection costs, is filed with the court.

**SCLCRJ 65.
NAME CHANGES**

(a) Separate Petitions Required. A separate petition shall be filed for each name a party wishes changed.

(b) Petitioner must produce some form of identification, including photo identification and documentation of current name, to the clerk for verification and copying.

(c) Hearing. All hearings on petitions for name changes shall be in open court and on the record, unless otherwise authorized by the judge.

(d) Minors.

(1) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification must be presented to the clerk for verification and copying.

(2) Parental Consent. All applicants under eighteen (18) years of age must be represented by a parent or legal guardian and both biological or legal parents or guardians must approve the change of name either by personal appearance or by verified affidavit, unless good cause is shown.

(3) Parental Notification. A parent or guardian who has not consented in writing to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication which includes the hearing date, the minor's current name, and the name the petitioner desires the minor to assume, and the reasons for requesting the change of name.

(4) Notice by Publication. Publication once a week, for three consecutive weeks, in a newspaper of general circulation in the county of the parent or guardian's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets forth the reasons for requesting the change of name.

(e) Contents of Petition. A petition for change of name must be sworn under oath and state the following:

- (1) The Petitioner's full present name and the full name the petitioner wishes to assume;
- (2) That the Petitioner resides in Stevens County;
- (3) The reason for the request;
- (4) The application is not made for any illegal or fraudulent purposes;
- (5) The name change will not be detrimental to the interests of any other person or agency;
- (6) The name of the minor's father and mother, if brought on behalf of a minor;
- (7) Whether the Petitioner is subject to the jurisdiction of the Washington State

Department of Corrections and, if so, that Petitioner has provided a copy of the Petition to the Department at least five (5) days before any hearing on the name change request;

(8) Whether the Petitioner is subject to the sex offender registration laws of the state of Washington and, if so, that Petitioner has provided copies of the Petition to the county sheriff and the Washington State Patrol at least five (5) days before any hearing on the name change request.

[Amended effective September 1, 2021.]

SCLCrRLJ 2.1(c)
CITIZEN COMPLAINTS

Any person filing a criminal citizen complaint pursuant to CrRLJ 2.1(c) must provide a sworn written statement of the probable cause supporting the crimes alleged. The judge will review the alleged crimes and the probable cause statement to determine whether the request should be granted or denied. At the discretion of the judge, a hearing may be set to hear additional evidence or to allow the named defendant or the prosecuting attorney an opportunity to present evidence in opposition to the filing of the complaint. If the judge grants or denies the filing of the complaint on the basis of the sworn affidavit without hearing, the judge shall state in writing the reasons for granting or denying the filing of the complaint.

SCLCrRLJ 3.4 (d).
PRESENCE OF THE DEFENDANT

(d) The court finds good cause to deem the defendant's personal attendance is necessary for the following hearings unless waived by the court:

(1) Compliance hearings pursuant to RCW 10.21.055 and RCW 9.41.800. The Court finds good cause to require the in-person appearance of all defendants at compliance hearings pursuant to RCW 10.21.055 (alcohol monitoring) and RCW 9.41.801 (weapons surrender). Compliance with these statutes is a condition of release set by the Court and verification of timely compliance with these statutes has public safety implications. Non-compliance may result in review of release conditions. A defendant failing to comply with release conditions is subject to modification of release conditions and revocation of release on personal recognizance.

(2) Modification of Release Conditions Pursuant to CrRLJ 3.2(j). The Court finds good cause to require the in-person appearance of all defendants for hearings pursuant to CrRLJ 3.2(j) to modify release conditions or revoke release on personal recognizance. A defendant has a due process right to be advised of the allegations of non-compliance with release conditions and to have a hearing regarding those allegations. The Court cannot conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.

(3) Trial Confirmation/Readiness Hearings. The Court finds good cause to require the in-person appearance of all defendants for Trial Readiness in order for the Court to properly manage the jury trial caseload unless the defendant's presence has been waived by the court.

Unrepresented defendants must personally appear at Trial Readiness if a continuance of the trial date is requested by either party. A continuance is a critical stage of the proceedings and the defendant has the right to appear. A motion to continue cannot be heard in the absence of an unrepresented defendant.

(4) Sentence Review Hearings. The Court finds good cause to require the in-person appearance of all defendants for Sentence Review/Show Cause Hearings. A defendant has a due process right to be advised of the allegations of non-compliance with probation conditions, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The Court cannot conduct a sentence review in the absence of the defendant.

[Adopted effective September 1, 2021.]

SCLCrRLJ 4.1(f)
CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A written plea of not guilty may not be entered by defendant's lawyer if the charging document accuses the defendant of any of the following crimes:

1. any crime charged as involving domestic violence;
2. harassment;
3. violation of a D.V. protection order;
4. violation of an anti-harassment order;
5. stalking;
6. driving or being in physical control while under the influence of intoxicants;
7. driving while under the age of 21 after having consumed alcohol.

For such charges, the defendant must appear in person for arraignment in order that the court may determine the necessity of imposing conditions of pre-trial release, or modifying any pre-trial release conditions entered at a preliminary hearing and to schedule further hearings.

SCLCrRLJ 4.2(i)
DEFERRED PROSECUTION

Petitions for deferred prosecutions may be filed at any time prior to or at the trial readiness hearing unless good cause is shown. The petition should be in the form as specified in CrRLJ 4.2(i). The evaluation and the stipulated police reports should be attached to the petition. The Deferred Prosecution packet and cover sheet is available at the Stevens County District Court Probation Department. Once completed, the packet must be returned to the Probation Department for final review at least two (2) days before the hearing.

[Amended effective September 1, 2021.]

SCLCrRLJ 4.5
PRE-TRIAL HEARING

(a) All cases shall be set for a pre-trial hearing no later than 45 days after arraignment. Defendant, defense attorney, and the prosecuting attorney are required to attend the pre-trial hearing unless excused prior to the hearing by the court upon a showing of good cause. If the defendant fails to appear for the pre-trial hearing, a failure to appear may be entered and the scheduled jury trial be

struck, or a warrant for the arrest of the defendant may issue. If the prosecuting attorney or the defense attorney fails to appear at the pre-trial hearing without a prior showing of good cause, the court may impose terms and any other sanctions authorized by law.

(b) Any amendments to the charge(s), pre-trial motions, including motions for continuances and discovery motions shall be made at the pre-trial hearing. At the pre-trial hearing, the court will schedule dates and times for any pre-trial motions.

SCLCrRLJ 4.5.1
TRIAL READINESS HEARING

(a) All cases shall be set for a trial readiness hearing during the week that occurs two weeks prior to the trial week. Defendant, defense attorney, and the prosecuting attorney are required to attend the trial readiness hearing. If the defendant fails to appear, the court will strike the jury trial and a warrant for the arrest of the defendant may be issued. If the prosecuting attorney or the defense attorney fails to appear for the trial readiness hearing without a prior showing of good cause, the court may impose terms.

(b) Any additional amendments to the charge(s), negotiated pleas, alternate dispositions, continuances, etc. shall be made at the trial readiness hearing.

(c) At the trial readiness hearing, the court shall set the actual trial date, and may inquire as to the number of witnesses expected to be called, the anticipated length of the trial, the number and nature of any violations and any other matter necessary to administer the trial efficiently.

[Amended effective September 1, 2021.]

SCLCrRLJ 6.15.
JURY INSTRUCTIONS

(a) Unless otherwise noted by the court, proposed jury instructions shall be filed with the clerk and served upon opposing counsel by 3 PM on the Friday preceding Trial Week. Each party shall file two original sets of instructions: one with citations and one without citations, and shall serve a copy with citations on each party. Bench copies of each set shall also be provided to the court.

[Adopted effective September 1, 2021.]

SCLCrRLJ 8.2
MOTIONS

Rules CrRLJ 3.5, 3.6, and 8.3, and CRLJ7(b) shall govern motions in criminal cases. Unless a motion is made during a hearing (other than the pre-trial hearing) or trial, it shall be made in writing, shall state with particularity the grounds therefore, and set forth the relief or order sought. The motion shall be filed prior to or at the pre-trial hearing, except for good cause shown. A hearing date and time for the motion will be set by the court at the pre-trial hearing.

(a) Any brief, memorandum, documents and affidavits in support of the motion must be filed and served on opposing counsel two weeks prior to the actual hearing date on the motion, except for good cause. Any response brief, memorandum, documents and affidavits must be filed and served on opposing counsel one week prior to the actual hearing date, except for good cause.

(b) A courtesy copy of any brief, memorandum, documents and affidavits filed in support of and in response to the motion must be provided for the Judge at the time of filing.

[Amended effective September 1, 2021]

SCLCrRLJ 8.13
NOTE FOR HEARING

[RECIDED]

[Rescinded effective September 1, 2021]

SCLIRLJ 2.6 (c)
MITIGATION HEARINGS BY WRITTEN STATEMENTS

In conformity with IRLJ 2.6, this court exercises its local option to allow mitigation by written document.

A person who has been cited for a civil or traffic infraction may request to mitigate the infraction in writing. Upon receipt of the request for a mitigation hearing, forms for a written statement in mitigation will be sent to the cited person. The person should complete the form and return it to the court. Upon receipt of the completed forms by return mail, the Judge will review the citation and the written statement in mitigation. Upon reaching a decision, the court will then notify the person of the Judge's determination. The person then must remit any amount set by the Judge. If the amount set by the Judge is not paid by the specified date the failure to respond fee may be added and the matter may

be turned over to a collection agency. If the citation is a traffic infraction, the Department of Licensing will be notified if the person fails to respond or to pay.

This court does not accept written statements for contested infractions.

[Amended effective September 1, 2021.]

SCLIRLJ 3.6
PRESENCE OF PROSECUTING ATTORNEY

The prosecuting attorney's office shall appear in any contested hearing in which a request has been made to subpoena an officer or a witness. The prosecuting attorney's office shall also appear in any contested hearing in which the alleged infraction was not conducted in the presence of the officer or when the appearance of witnesses is necessary to establish the commission of the infraction.