

LOCAL RULES FOR CITY OF YAKIMA MUNICIPAL COURT

COMMENT: The following rules have been adopted for Yakima Municipal Court, and are effective September 1, 2023, as provided by GR7.

ADMINISTRATIVE

YMLAR 1.1: PREAMBLE:

These local rules for Criminal matters, Infractions and Appeals are assembled and numbered to conform with the numbering system and format adopted by the Supreme Court of the State of Washington as required under GR 7.

These rules supplement CrRLJ, ARLJ, CRLJ, and IRLJ.

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2009; September 1, 2010.]

YMLAR 1.2: PLACE OF COURT:

Unless otherwise ordered, the Court shall sit in the Courtrooms of the Yakima Law and Justice Center, 200 South Third Street, Yakima, Washington. The clerk's office shall be at the Yakima Law and Justice Center, 200 South Third Street, Yakima, Washington.

[Formerly YMLAR 1.3, adopted effective September 1, 1997; amended effective September 1, 2009. Renumbered YMLAR 1.2, effective September 2, 2014.]

YMLAR 1.3: SESSIONS:

Regular Court sessions shall be held every weekday, Holidays and Court Holidays excluded.

[Formerly YMLAR 1.4, adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010. Renumbered YMLAR 1.3, effective September 2, 2014.]

YAR 1.4: ORDER OF DOCKET:

(a) During regular sessions, the docket shall be posted and available from the clerk of the Court, except as modified from time to time by the Court or except as provided by YMLAR 1.5(b).

(b) Written motions including, but not limited to, suppression motions pursuant to CrRLJ 3.5 and/or 3.6 may be specially set by the Court so as to minimize the impact on regular court business. Such motions shall be heard on the second and third Monday afternoon of the month or any other time designated by the judge hearing the motion. Before noon on the Wednesday before the motion hearing, the prosecutor, defense attorney or the defendant, if appearing pro se, shall confirm the motion, or advise that some other type of disposition has been reached, to the clerk of the court by written mailed confirmation, attorney messenger service or faxing the court. Confirmation must be received by the noon deadline to be effective.

(c) Civil matters, other than infractions, may be set on a docket designated to accommodate the parties.

(d) For good cause shown, the Court may set any matter at other times and days.

[Former Rule 1.5 renumbered as Rule 1.5(a), adopted effective September 1, 1997; amended effective January 19, 1998; September 1, 2000; September 1, 2009; September 1, 2010. Renumbered YMLAR 1.4, effective September 2, 2014; amended effective September 1, 2023.]

YMLAR 1.5: OFFICE HOURS:

The Clerk's Office shall be open to the public and a clerk or assistant in attendance at the public window on every regular judicial day from 9:00 a.m. to 11:00 a.m. and 1:30 p.m. to 3:30 p.m. Due to the ongoing and unstable nature of the budget and economy, the public window hours may be adjusted upon determination of the presiding judge. Office hours shall be 0800 until 1600 each judicial day.

YMLAR 1.6: PROBATION DEPARTMENT:

Probation "services" are provided in conjunction with Yakima County Probation Services.

[Formerly YMLAR 1.7, adopted effective September 1, 1997; amended effective September 1, 2009; September 2, 2010. Renumbered YMLAR 1.7, effective September 2, 2014. Amended effective September 1, 2023.]

YMLAR 1.7: JUDGES PRO TEMPORE:

Except as limited by statute, Judges Pro Tempore shall be employed by the City of Yakima as a part-time employee and shall have the authority of a regular judge during regular Court sessions for which he or she is appointed.

[Formerly YMLAR 1.7, adopted effective September 1, 1997; amended effective September 1, 2009; September 2, 2010. Renumbered YMLAR 1.7, effective September 2, 2014. Amended effective September 1, 2023.]

YMLAR 1.8 FILING OF ATTORNEY CERTIFICATION:

To assure compliance with CrR 3.1/CrRLJ 3.1/JuCR 9.2, those attorneys who have been appointed as counsel in a criminal case shall file a signed certification of compliance with Applicable Standards with the Yakima Municipal Court Services Manager on a quarterly basis. The certification shall state what percentage of the attorney's practice is devoted to indigent defense. The certification shall also state that the attorney is familiar with the applicable Standards adopted by the Supreme Court for attorneys who are appointed to represent the indigent., including basic qualifications, office, investigators and caseload. An attorney shall immediately notify Yakima Municipal Court in the event he/she fails to maintain compliance with CrR 31./CrRLJ 3.1 or JuCR 9.2.

[Formerly YMLAR 1.0, adopted effective September 1, 2013. Renumbered YMLAR 1.8 effective September 2, 2014.]

YMLAR 9: DISCLOSURE OF RECORDS

(g)(1)In accordance with both the letter and the spirit of General Rule 31.1 (GR 31.1 Access to Administrative Records), and the case law related to disclosure of administrative judicial records, Yakima Municipal Court adopts the following, effective January 1, 2016:

Yakima Municipal Court hereby adopts the Local Government Common Records Retention Schedule (CORE), which relates to the management of the agency and its assets, finances, human resources, and information resources.

<http://www.sos.wa.gov/archives/RecordsManagement/UsingtheLocalGovernmentCommonRecordsRetentionScheduleCORE.aspx>

Yakima Municipal Court hereby adopts the District and Municipal Courts Records Retention Schedule as found on the City of Yakima website.

Yakima Municipal Court hereby adopts the City of Yakima's Public Records Disclosure Policy.

(g)(2) Access to confidential records is strictly limited to persons or entities authorized by statute or Court order to obtain such records.

(g)(3) Requests for access to Court Records shall be made in writing in the form provided by the Court, and shall be granted or denied by the designated public disclosure clerk, subject to review by the judge, who shall state reasons for denial in writing. Any person objecting to such denial of access may file a motion for reconsideration along with a supporting affidavit.

(g)(4) Costs of copying and transcription shall be borne by the person or entity requesting any copies. Yakima Municipal follows the Public Records Fee Schedule set forth in YMC 1.60. Unless otherwise ordered by the Court, copy costs shall be as follows:

a) Preparing a certified copy of an instrument on file or of record in the clerk's office: \$6.00

b) Preparing a copy of an instrument or document on file or of record without a seal: .15 cents per page;

c) Copying a document without a seal or that is in an electronic format .10 cents per page;

e) Copies made on a CD: \$5.00 per CD; CD recording/copying is based upon 15 minutes recording time. Actual cost may be more depending upon copying time.

(g)(5) No documents or electronic data may be removed from the court office, chambers, court room, except for storage, without prior written order of the Court.

[Adopted effective September 1, 1997. Amended effective September 1, 2009; September 1, 2018; September 1, 2023.]

RULES FOR APPEAL

YMLRA 6.3: TRANSCRIPTION OR COPIES OF RECORDING:

On appeal, the appellant shall make a written request for transcription or duplicates of CDs, and shall specify the name and number of the case and the date of trial. Unless waived by statute, constitutional provision, or the Court, duplicates of tapes and of any log or index thereto shall not be delivered until full payment of the actual preparation costs as determined by the current fee schedule set forth in YMLAR 9 (g)(4).

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010, September 1, 2023.]

CRIMINAL RULES

YMLC:RLJ 2.5: PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE.

The court may order an issuance of a bench warrant for the arrest of any defendant who has failed to appear before the court, either in person or by a lawyer, in answer to a citation and notice, or the order of the court, upon which the defendant has promised in writing to appear, or of which the defendant has been served with or otherwise received notice to appear, if the sentence for the offense charged may include confinement in jail.

- (a) Quashing Warrants. The court, in its discretion, may quash a failure to appear warrant under the following circumstances:
 - (1) Unless specifically prohibited by the court at the time the warrant was ordered, the defendant may personally appear at the clerk's office and pay the amount of the warrant fee in cash. The defendant shall then personally sign a promise to appear at a hearing no later than the next available judicial day. The court will determine the appropriate conditions for the defendant's continued release at that hearing which may include a requirement that the defendant be detained in lieu of bail; or

- (2) If the defendant establishes good cause for the failure to appear in a document sworn under oath or otherwise, the court may hear a motion to quash the warrant without requiring payment of the warrant fee in advance. Inadvertence or oversight by the defendant or defense counsel shall not constitute good cause for failure to appear.

[Adopted effective September 1, 2009; amended effective September 1, 2010, September 1, 2023.]

YMLCrRLJ 3.2: RELEASE OF ACCUSED:

(n) Domestic Violence Cases. A defendant arrested on domestic violence offences shall be detained without bail until arraignment on the next judicial day. Standard bail for domestic violence cases after arraignment shall be \$1,000, but the court may reduce or increase the amount of bail in an individual case giving due consideration to the factors specified in CrRLJ 3.2.

(o) Yakima Municipal Court elects not to adopt the bail schedule set forth in CrRLJ 3.2 (o-u). Yakima Municipal Court's bail schedule may be located in the clerk's office and is available for viewing upon request. The bail schedule is intended as a guideline and may be revised from time to time in the interest of justice.

(r)(i) Cash deposited as bail is presumed to be the property of the accused regardless of who actually made such deposit. Such bail may be forfeited or applied to any fines and assessments.

(p)(i) A bailor may request a hearing pursuant to these rules by filing a request in person and in writing with the clerk of the court within 30 days of the entry of the order forfeiting such bail. Such bailor shall have the burden of proving by a preponderance of evidence that the bail was either unjustly forfeited or that the funds were neither the property of nor a gift to the defendant.

(p)(ii) At such hearing, the Court may consider written evidence, properly presented, such as promissory notes or loan statements, but such evidence alone shall not be deemed decisive.

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2009; September 1, 2010.]

YMLCrRLJ 3.3: TIME FOR TRIAL:

(k) Scheduling. Each criminal case set for trial shall be scheduled for a status conference before trial. Failure of the Defendant to appear at the status conference shall be grounds for striking any trial date and issuance of a warrant for the Defendant's arrest. Defendants who appear at the status conference but who have failed to make necessary contact with counsel prior to the status conference may be detained in lieu of bail to facilitate future contact and terms may be imposed

upon such a defendant as a condition for a continuance necessary to facilitate contact between attorney and client. The court may continue the case pursuant to CrRLJ 3.3(d)(1).

[Adopted effective September 1, 1997; amended effective January 19, 1998; September 1, 2000; September 1, 2009; September 1, 2010.]

YMLCrRLJ 6.1.1: TRIAL BY JURY:

(e)(1) The parties shall confirm cases, which are ready for trial, at the disposition hearing. Any case confirmed for jury trial, by both parties at the disposition hearing, shall be set for a confirmation hearing the next Wednesday, prior to the jury trial, at 10:00 a.m. in Courtroom #2.

(e)(2) Failure of a party to confirm the jury trial as required shall cause the case to be stricken as a jury trial.

(a) Except for good cause shown, any case confirmed for jury trial and not proceeding to a jury trial as scheduled, unless such delay is the result of jury trial priority, shall be subject to terms, as deemed appropriate by the Court.

(b) Scheduled and confirmed jury trials shall proceed and be called according to the priority of speedy trial limits. In the event of more than one jury trial being scheduled and confirmed, cases having a lower priority shall be set as trailing, to be called as soon as possible that day or the next available judicial day.

(e)(3) Upon settlement of a case scheduled for jury trial prior to the confirmation/settlement deadline provided according to these rules, the parties shall notify the Court in writing, to strike the jury.

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2002; September 1, 2009; September 1, 2010; September 2, 2014; September 1, 2023.]

INFRACTIONS

YMLIR 2.4: RESPONSE TO NOTICE:

b)(5) Written responses to mitigate an infraction or request a deferred finding, pursuant to RCW 46.63.070(5), may be permitted. The written statement may be transmitted electronically to the clerk by fax, email, or through the Court's website.

(b)(6) Upon request of the defendant, the clerk shall provide information so that the defendant may comply with this requirement. The defendant must respond within thirty (30) days of the date the infraction was personally served or within thirty-three (33) days of the date the notice was mailed. Responses by mail must be post marked within 30 days of personal receipt or 33 days of the date the notice was mailed.

(d) An attorney appearing on behalf of a defendant shall file and serve a written notice of appearance, which notice shall be substantially in the same form as the notice of appearance in a criminal case.

(e) A request for a speed measuring device expert (SMD) shall be made in writing and served upon all parties within fourteen (14) days prior to the contested hearing. The court shall set a hearing to include the SMD expert in accordance with the SMD expert's schedule.

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010; amended on an emergency basis effective July 6, 2016; April 12, 2017; amended effective September 1, 2019; September 1, 2020; amended effective September 1, 2023.]

YMLIR 2.6: SCHEDULING OF HEARINGS:

(a)(3) Hearings on infractions may be scheduled at the same time as hearings or trials on criminal matters arising out of the same occurrence. Multiple infractions arising out of the same occurrence may be heard at the same time, whether denoted as mitigation or contested.

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010.]

IT IS HEREBY ORDERED that the foregoing Local Rules are hereby adopted as Local Rules of Practice and Procedure for the Yakima Municipal Court pursuant to GR 7.

ADOPTED June 30, 2023

EFFECTIVE September 1, 2023

KELLEY OLWELL, Presiding Judge
Yakima Municipal Court

YMC LOCAL RULE 2.5(A)
ELECTRONIC FILING AND SERVICE

(a) Electronic filing (“eFile”) authorization, charges, exceptions, waiver and non-compliance.

- (1) Electronic Mandatory Filing: Effective January 1, 2022, attorneys shall file (eFile) all documents using the court’s designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. Non-attorneys or pro se parties are not required to eFile, but are encouraged to do so.
- (2) eFiling Service Charges: An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for (a) persons who are indigent, (b) government filers, (c) qualified legal services providers, and (d) protection orders for which filing fees may not be charged by law.
- (3) 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, and documents of foreign governments under official seal;
 - (b) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - (c) Documents larger than permitted in the User Agreement.
- (4) Working Copies: Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.
- (5) Waiver of the Requirement to eFile for attorneys:
 - (a) If an attorney is unable to eFile documents, the attorney may 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.

(b) Upon a showing of good cause, the court may waive the requirement as to a specific amount of document or document(s) on a case by case basis.

(6) Non-Compliance with this Rule: If an attorney files a document in paper form and does not have an approved waiver from eFiling, the court may assess a fee against the attorney for each document filed.

(c) 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.