Chelan County District Court
Local Court Rules

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LCRLJ 38
CIVIL JURY TRIAL

(A) Demand. The request for jury trial in civil cases shall be by filing a demand with the clerk and paying the jury fee not later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(B) Imposition of Costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings, and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex-parte, and enter any appropriate order including striking the jury demand and may impose terms. Insofar as practical, the conference shall deal with any matter cognizable by Superior or District Court Rule and failure to raise the matter may result in the waiver of the same.

[Effective September 1, 2006]

LCRLJ 54

ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following fee schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

SCHEDULE FOR REASONABLE ATTORNEY FEES
IN DEFAULT CASES
(Unless limited by statute)

$0 to $1,000	$300
$1,000.01 to $1,500	$325
$1,500.01 to $2,000	$350
$2,000.01 to $2,500	$375
$2,500.01 to $3,000	$400
$3,000.01 to $4,000	$425
$4,000.01 to $5,000	$450

For judgment amounts exceeding $5,000, reasonable attorney fees may be allowed of 10% of any balance over $5,000, without formal justification or documentation.

NSF Checks: When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the attorney in the case, in which case the court shall determine a reasonable fee. A reasonable handling fee awarded pursuant to 62A.3-515 shall not exceed $40 per check.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of the judgment.

Amended effective 09/01/2011

LCrRLJ 3.1(d)
RIGHT TO AND ASSIGNMENT OF LAWYER

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services which appear to be required by reason of the crime charged without substantial hardship to the defendant or the defendant's family. Defendants who request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed in substantially the form set forth in Exhibit LCrRLJ 3.1(d)(1) and (2).

All appointments of counsel by reason of indigency are expressly contingent upon indigency and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that the defendant can afford to retain counsel, or if the defendant can afford partial payment, fees may be ordered paid, pursuant to the appointment agreement, by the court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the Clerk shall promptly provide counsel with notice of the appointment.

An attorney representing a defendant in a criminal case must promptly serve a written notice of appearance upon the prosecuting attorney and file the same with the clerk of the court. The attorney must certify to the court that he or she complies with the applicable Standards for Indigent Defense approved by the Supreme Court.

[Effective September 1, 2013]

LCrRLJ 3.1(e)
WITHDRAWAL OF LAWYER

Whenever a case has been set for trial, no lawyer shall be allowed to withdraw except upon the consent of the court for good cause shown and upon the substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer. Consent may be denied if necessary to prevent a continuance.

All counsel shall be automatically terminated as counsel of record upon the following:

(1) entry of a sentence following a plea of guilty;

(2) at the conclusion of the 30-day appeal period following sentencing as a result of conviction after trial; or

(3) entry of an order deferring sentencing, a dispositional order of continuance, an order deferring prosecution, or any final disposition which is appealable;provided that; in cases involving a subsequent hearing as a direct consequence of the sentence, such as a restitution hearing, representation will terminate upon completion of such hearing.

[Effective September 1, 2013]

LCrRLJ 4.1(d)
CRIMES REQUIRING DEFENDANT'S APPEARANCE

AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignment; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2006]

LCrRLJ 4.2(i)
DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to trial unless good cause exists for delay. Sample forms for such a petition are attached hereto as Exhibits LCrRLJ 4.2(i) A, B, C, and D. The court shall have the discretion to impose court costs at the time of the approval of a deferred prosecution.

[Effective September 1, 2006]

LCrRLJ 4.8
WITNESSES-PROCESS-SUBPOENAS

To be withdrawn.

[Effective September 1, 2013]

LCrRLJ 6.1
PRE-JURY TRIAL CONFERENCE/READINESS HEARING

6.1(a) Pre-Jury Trial Conference

In every criminal case in which the right to trial by jury has not been waived, there will be a pre-jury trial conference for the purpose of presenting and scheduling motions and for setting a readiness conference and jury trial date.

The defendant and counsel are required to attend pre-trial hearings unless excused by the court. Failure of the defendant to attend any pre-trial hearing may result in the issuance of a bench warrant and forfeiture of any bail or bond.

6.1(b) Readiness Hearing

A readiness hearing shall be set in all cases set for jury trial. The prosecuting attorney, defense counsel and the defendant are required to attend the readiness hearing, unless otherwise excused by the court. Failure of the defendant to appear at the readiness hearing may result in the issuance of a bench warrant, forfeiture of bail and/or bond, and striking of the trial.

At the readiness hearing, the parties shall indicate their readiness for trial and advise the court of any factors affecting readiness for trial; such as, exchange of witness lists, availability of witnesses, and unresolved motions. Upon conclusion of the readiness hearing, the court will accept amendments of charges only upon good cause shown.

Any case confirmed for jury trial at the readiness hearing that does not proceed to trial, absent good cause, may be subject to sanctions as deemed appropriate by the judge, including but not limited to actual jury costs, witness fees, and terms.

Prior to readiness hearing, the parties may file a Notice of Settlement and a Waiver of Right to Speedy Trial, signed by the defendant. Upon receipt of such notice and waiver, the readiness hearing may be stricken and the cause set for entry of plea and sentencing.

[Effective September 1, 2013]

LCrRLJ 6.13(b)
EVIDENCE - BLOOD DRAW CERTIFICATION

(1) Certification of Qualification to Draw Blood and of Blood Draw Procedure.

(A) Admission of Blood Draw Certificate. In the absence of

a request to produce the person who drew blood from the defendant made at least 7 days prior to trial, certificates substantially in the following form are admissible in lieu of a witness in any court proceeding held pursuant to RCW 46.61.502 through RCW 46.61.506 for the purposes of determining whether a person was operating or in actual physical control of a vehicle while under the influence of intoxicating liquors and/or drugs:

BLOOD DRAW CERTIFICATION:

I, _____, do certify under penalty of perjury of the laws of the State of Washington the following: I am a (physician) (registered nurse) (qualified technician) and I am qualified by medical training and experience to draw blood from the human body.

On _____ (date) at _____ (time) I drew _____ (number of samples) blood samples from _____ (name of person) at the direction and in the presence of _____ (name of officer).

I further certify that with each sample the blood draw site was sterilized with a non-alcoholic preparation (betadine) (other _____), and that each blood sample was drawn into a chemically clean dry container (hereinafter referred to as blood draw containers) consistent with the size of the sample and sealed with an inert leak-proof stopper. The blood draw containers are known by me to contain a suitable anti-coagulant and enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. The anti-coagulant and enzyme poison utilized in this blood draw were (sodium fluoride and potassium oxalate) (other: _____). To the best of my knowledge, no foreign substances or chemicals, including alcohol, were involved in the blood draw process other than those listed above.

_____ _____
Date and Place Signature of person making certification

[Effective September 1, 2006]

LCrRLJ 8.2.
MOTIONS

At the pre-jury trial conference, the parties must state with specificity all motions. If the motion has not been submitted in writing with a supporting memorandum of authorities before or during the pre-jury trial conference, the court will establish a briefing schedule. The court will determine if an evidentiary hearing is required and will set a time for a hearing on the motion(s).

Except on good cause or as to routine matters, e.g., a motion to exclude witnesses, motions in limine and supporting memoranda, shall be filed at least one business day prior to trial.

[Effective September 1, 2013]

LIRLJ 2.6(c)
MITIGATION HEARING ON WRITTEN STATEMENT

Written Request for Penalty Reduction. A defendant requesting a reduction of an infraction penalty may have such a determination based upon his or her written statement explaining the mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

I certify [or declare] under the penalty of perjury under the laws of the State of Washington that the foregoing is true:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

_____ _____
[Date and Place] [Signature]

Further, the examination of the statemen may be held in chambers.

[Effective September 1, 2006]

LIRLJ 3.1
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(a) (1) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) Speeding Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

(4) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2006]

LIRLJ 3.3(b)
REPRESENTATION BY LAWYER

At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when the defendant is represented by a lawyer; or when the defendant has served upon the prosecution a demand for discovery, requested a speed measuring device expert to appear, or filed motions requesting relief based upon an alleged failure by the plaintiff/prosecution to perform duties required by law.

A notice of appearance must be filed by a lawyer representing a defendant at a contested hearing within 7 days from the date the defendant files a request for a contested hearing. Upon receipt of the lawyer's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available contested hearing infraction calendar with a lawyer representative of the prosecuting authority or if appropriate to the next contested hearing calendar for the designated law enforcement agency's speed measuring device expert. The failure to timely file a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date the default judgment was set aside, as required by IRLJ 2.6(a).

LIRLJ 3.3(b)(1)
WAIVER OF PERSONAL APPEARANCE

At a contested hearing and in lieu of a personal appearance, a defendant charged with a traffic infraction may appear by and through counsel.

[Effective September 1, 2006]

LIRLJ 3.3(b)(2)
NOTICE OF APPEARANCE BY COUNSEL

A defendant charged with a traffic infraction and represented

by counsel must provide written notice to the prosecuting authority and the clerk of the court of such representation at least 7 days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available speed measuring device expert/infraction calendar for the designated law enforcement agency. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date a default judgment is set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]

CRRLJ 3.1(D)(1) AFFIDAVIT OF INDIGENCY

The contents of this item are only available on-line.

CRRLJ 3.1(D)(2) ACKNOWLEDGMENT OF NOTICE OF POTENTIAL LIABILITY FOR ATTORNEY FEES

The contents of this item are only available on-line.

CRRLJ 4.2(I)(A) PETITION FOR DEFERRED PROSECUTION

The contents of this item are only available on-line.

CRRLJ 4.2(I)(B) ORDER OF REFERRAL FOR EVALUATION

The contents of this item are only available on-line.

CRRLJ 4.2(I)(C) STATEMENT OF DEFENDANT ON PETITION FOR DEFERRED PROSECUTION/STIPULATION TO FACTS

The contents of this item are only available on-line.

CRRLJ 4.2(I)(D) ORDER DEFERRING PROSECUTION

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