Local Rules
Columbia County District Court
State Of Washington

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INTRODUCTION

These local rules have been adopted under the provisions of General Rule 7 promulgated by the Washington State Supreme Court and conform in numbering and format to GR 7. These rules supplement ARLJ, CRLJ, RALJ, CrRLJ, IRLJ and RALJ in accordance with RCW 3.30.080 and GR 7. Insofar as practicable the Washington Court Rules are not repeated and the user of these Local Rules should refer to the pertinent rule as adopted by the Supreme Court.

LARLJ 1
Jury Administrative Reimbursement Fee

A party demanding a jury trial shall, before 1:30 p.m. three business days prior to the scheduled trial date, contact the Columbia County District Court Clerk and confirm that the jury is still required. When a cause assigned a date for

trial as a jury case is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk. In the event the notice is given to the Court Clerk less than three days prior to the scheduled trial date, the party electing not to have their case heard by a jury (Criminal Cases: Defendant who waives jury; or State if jury waiver follows Jury Demand by State; Civil Cases: jury waiver by party after demand) shall pay a jury administrative reimbursement fee equal to the actual costs incurred by the Court for jury fee payments and mileage reimbursements, unless the Judge determines that those costs and fees shall not be paid.

LARLJ 2
NEXT JUDICIAL DAY

The state law requires 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. Such judicial day is defined as the first date following arrest when court is in session.

LARLJ 3
MISCELLANEOUS FEES

The following shall be the schedule of fees charged for certain official services provided by the Columbia County District Court Clerk. These amounts are consistent with RCW 3.62.060.

Duplication of Electronic Records	$10.00
Photocopy Expenses	$ .50/page
Certified Copy	$ 6.00
Appeals (Preparation of Tapes-ONLY	$40.00
Return of Check Fee (NSF or Account closed checks)	$35.00

The Court Administrator shall provide procedures and staff for requests made for research in the files of the Court. In the event a request is made to research the contents of files, which have been archived, an Archive Research Fee of $25 per hour shall be charged to the requesting party with a minimum of one hour paid prior to the research commencing. Also see LARJ 3, relating to other applicable fees.

These fees may be changed by general court order without amending these rules.

LARLJ 4
DISCLOSURE OF PUBLIC RECORDS

A. The following records and files of this Court are declared confidential:

(a) Affidavits for probable cause for arrest warrants before the warrant has been served and returned.

(b) Mental health, psychiatric, and medical reports.

(c) Alcohol and drug evaluations and follow up reports.

(d) Deferred Prosecution petitions and orders.

(e) Unless admitted into evidence, certified copies of driving records, abstracts of driving records, and compiled reports of arrests and convictions;

(f) Judges notes and work sheets.

B. Access to confidential records is limited to persons authorized by statute or

who obtain a Court order.

LCRLJ 1
FILING OF PLEADINGS AND OTHER PAPERS

A. Documents to Be Filed. [Reserved]

B. Documents Not to Be Filed

(a) Interrogatories and depositions without written permission of Columbia County District Court unless necessary for the disposition of a motion or objection.

(b) Unanswered request for admissions unless necessary for the disposition of the motion or objection.

(c) Total copies of reported cases, statutes or texts appended to a brief, or otherwise, may only be filed with a copy marked "bench copy" furnished directly to the judge hearing the matter; and

C. An offer of settlement made pursuant to RCW chapter 4.84 shall not be filed or communicated to the trier of fact in violation of RCW 4.84.280 of the Revised Code of Washington prior to the completion of trial. A violation of this order may result in denial of the reasonable attorney fee.

LCRLJ 2
PRE-TRIAL HEARING

When matters of fact are put in issue by responsive pleadings served and filed with the court and if one of the parties has noted the case for pre-trial hearing, a pre-trial will be set. If both parties stipulate and the Court agrees, the pre-trial hearing may be specially set on the docket for a telephone conference hearing. Wherever possible, 5 days notice must be given to the Clerk for approval by the Judge and scheduling. At the pre-trial hearing all parties must appear (in person or telephonically) or through counsel. If a party does not appear at the pre-trial hearing, the non-appearing party's pleadings shall be stricken, unless good cause is shown, and the court may grant a judgment of default or dismissal against the non-appearing party. If no parties appear, the court may dismiss all pending claims without prejudice. At the pre-trial hearing, the court will also perform the following functions:

1. Determine any pre-trial motions.
2. Assign trial and/or further motion dates.
3. Acknowledge and approve settlement agreements.
4. Enter default or judgments on pleadings.
5. Pre admit exhibits for trial.
6. Enter discovery order and completion dates.

Counsel shall appear at the pre-trial hearing with a schedule of dates of availability for trial or any other necessary proceeding.

The pre-trial hearing procedure shall not preclude the entry of default judgments, judgments on pleadings, or any other orders not inconsistent with these rules or the Civil Rules for Courts of Limited Jurisdiction (CRLJ) prior to the date of the pre-trial hearing.

LCRLJ 3
INSTRUCTIONS TO JURY

It is the responsibility of the parties to submit proposed jury instructions to the Columbia County District Court and to opposing parties no later than the time the case is called for trial or at a time ordered by the court. If the

party demanding a jury trial fails to comply with this requirement, the right to jury trial shall be deemed waived and jury panel dismissed unless all opposing parties move to retain the jury and the court finds good cause therefore.

LCRLJ 4
DISMISSAL ON CLERK'S MOTION

In all cases where there has been no action of record during the 12 months just past, the Columbia County District Court Clerk shall mail notice to the parties or the attorneys of record that such case will be dismissed by the court for want of prosecution unless within thirty (30) days following said mailing, written application of action of record is made to the court and good cause shown why the case should be continued as a pending case. If such application is not made or good cause is not shown, the court shall dismiss each such case without prejudice. The cost of filing such order of dismissal with a clerk shall not be assessed against either party.

LCRLJ 5
DEFAULT JUDGMENTS

ATTORNEY FEES. When a party is entitled to an award of reasonable attorney fees (in lieu of those statutory fees provided for by RCW 12.20.060), the fees provided in the following attorney fees schedule are deemed reasonable in all default cases unless the party presents evidence of circumstances which convince the court a larger or smaller fee should be awarded; provided, however, the court shall have authority to vary from the schedule on its own motion:

Schedule for attorney fees in default cases

$0.00	to $2,500	$250.00
$2,501	to $5,000	$350.00
$5,001	to $10,000	$450.00
$10,001	to $15,000	$600.00

Attorney's fee requests in excess of $450 must be itemized.

LCRLJ 6
PAYMENT OF MONIES ON JUDGMENTS

After payments of monies on judgments are paid to the receiving party, or the receiving party's attorney, a satisfaction of judgment shall be filed within the following thirty (30) days of receipt of the funds and a satisfaction of judgment shall be filed within said thirty days in the amount received.

LCRLJ 7
CIVIL JURY

Pre-trial Procedure. All cases, set for jury trial shall be set for a 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 (parties may be excused by the court for good cause) to consider such matters as will promote a fair and expeditious trial. All discovery shall be completed within ten (10) days following the pre-trial conference . Opposing counsel or party, and the Court must be given ten (10) days notice prior to the pre-trial

conference. Opposing counsel or party must be given ten (10) days prior written notice of any pre-trial motions to be heard at the pre-trial conference. Any motions not made at the pre-trial conference shall be deemed waived.

LCRLJ 8
NAME CHANGES

A. Minors - Parental Consent. All applications for change of name of a person less than 18 years of age must be represented by a parent or legal guardian. The petitioner must file proof of service of petition and notice of hearing to either biological or legal parents or guardians if the applicant has not filed a written approval of change of name by both biological or legal parents and guardians. Said notices shall be served on other parties at least ten (10) days prior to the hearing.

B. Each petition requesting a change of name must present a separate change of name order and pay a separate filing fee and a recording fee for each person whose name is being changed.

LIRLJ 1
DECISIONS ON WRITTEN OR EMAIL STATEMENTS

A. In place of the defendant's personal appearance at a mitigation infraction hearing, defendants may submit their statement in writing (including email submissions).

B. The court shall examine the citing officer's report and any statement(s) submitted by the defendant. The examination shall take place within 120 days after the defendant filed a response to the notice of infraction. The examination may be held in Chambers and shall not be governed by the rules of evidence.

LIRLJ 2
MANDATORY LIABILITY INSURANCE VIOLATIONS - PROOF OF INSURANCE

A. If a person who has been cited with a violation of RCW46.30.020 presents to the Court Clerk evidence that the person had in effect at the time of the citation liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five ($25.00), the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file.

B. If a person charged with violation of RCW 46.30.00, for failure to have liability insurance is able to show evidence that the person has subsequently obtained liability insurance in conformity with the requirements of RCW 46.30.020, then the penalty shall be reduced to seventy five ($75.00) Upon payment, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file.

LIRLJ 3
DEFERRED INFRACTIONS

If a defendant is granted a deferral on an infraction pursuant to the provisions of RCW 46.63.070, meeting the statutory qualifications, the Court shall charge an administrative fee of $150.00, payable within 30 days of the entry of deferral.

(added 6.20.07)

LCrRLJ 1
EXHIBITS

In a criminal case every exhibit in the court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of the party, or upon the court's motion and expiration of the appeal period. Exhibits not withdrawn shall be delivered by the court to the applicable law enforcement agency for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be released by the court without its being receipted for by the receiving person.

LCrRLJ 2
OBLIGATION OF DEFENDANTS TO APPEAR IN COURT, AND CONSEQUENCES OF FAILURES TO APPEAR IN CASES WHERE A PUBLIC DEFENDER HAS BEEN APPOINTED

A. The appointment of a public defender attorney, for any defendant deemed to be indigent shall be conditioned upon the defendant appearing in court for all hearings where his/her appearance has been required by the court.

B. If any defendant for which a public defender has been appointed fails to appear in court when so required on two occasions without being excused in advance by the court, the order/appointment whereby the public defender was appointed for said defendant may be vacated immediately upon such second failure to appear.

C. Upon such appointment being vacated the public defender shall be relieved from any requirements to appear in court with such defendant.

D. The provisions of this rule, however, do not preclude the defendant from reapplying to the court for the appointment of a public defender to represent him/her.

LCrRLJ 3.2
RELEASE OF ACCUSED

A. DUI/Physical Control Cases. In cases where an individual is arrested for Driving a Motor Vehicle While Under the Influence of Intoxicants and/or Drugs or for Physical Control of a Motor Vehicle While Under the Influence of Intoxicants and/or Drugs or Minor Operating a Motor Vehicle After Consuming Alcohol, the individual so arrested shall be held in custody without bail pending a first appearance before a Judge, UNLESS, in the discretion of jail supervisory staff, incarceration may create health or safety issues, jail space/transport is not available, or any other good cause which calls for conditional release.

B. Domestic Violence Cases. Any individual arrested for a crime classified, as Domestic Violence under Section 10.99 of the Revised Code of Washington shall be held in custody without bail pending a first appearance before a Judge, UNLESS, in the discretion of jail supervisory staff, incarceration may create health or safety issues, jail space/transport is not available, or any other good cause which calls for conditional release.

C. Conditions of Release in Felony Preliminary Appearance Hearings

The Court shall set conditions of release for individuals alleged to have committed a felony by affidavit of probable cause pursuant to CrRLJ 3.2.1(d)&(e) or by criminal complaint pursuant to CrRLJ 3.2.1(g) at a preliminary appearance hearing. If a surety bond is required the surety bond may be approved if it is recites that it is issued jointly in favor of the District Court and in favor of the Superior Court in the event of a filing of information in Superior Court. If cash bail is required and paid the Columbia County Sheriff shall deposit all felony cash bail with the District Court Clerk. Upon notice that information has been filed in Superior Court the

District Court Clerk shall forward surety bonds or cash bail to the Superior Court Clerk. In the event a criminal complaint is filed charging a misdemeanor or gross misdemeanor following a preliminary appearance hearing on an alleged felony, the Clerk shall retain surety bonds or cash bail received. In the event neither a criminal complaint nor information is filed within 72 hours of the accused detention in jail, exclusive of weekends and holidays, the surety or cash bail will be returned to the accused.

LCrRLJ 4
READINESS HEARING

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of jurors lives, and to avoid the waste of public funds the following readiness hearing procedures have been adopted:

Not less than 7 days prior to an assigned jury trial date, there shall be held a readiness hearing. At the readiness hearing it shall be mandatory that the prosecuting attorney, the defense counsel, and the defendant be present. The requirements of this rule can be waived only by the Judge appointed to the case. In the event the defendant fails to appear, the jury trial setting shall be canceled, a bench warrant may be issued, bail or bond may be forfeited, and costs may be imposed at the discretion of the court. In the event the defendant waives the jury trial subsequent to the readiness hearing, costs may be imposed pursuant to LARLJ 1. At the readiness hearing, the following matters will be concluded:

1. All plea negotiations

2. Exchange of witness lists

3. Providing of any discovery not previously completed by the pretrial hearing held prior to the readiness hearing.

4. Motions on legal issues arising subsequent to the pretrial hearing or on issues arising due to new evidence.

5. Filing with the court proposed non-WPI (Washington Pattern Instructions) jury instructions and voire dire questions for the prospective jurors which either party requests to be asked by the court. Note ALL jury instructions will need to be filed 5 working days prior to a jury trial including WPI by the prosecution and 3 days prior to trial by the defendant.

At the conclusion of the readiness hearing, the court will no longer grant any further motions to amend or motions to dismiss the charge(s) unless good cause is shown (involving unique and unexpected events/factors). Therefore, the case will be tried by jury, unless waived by the defendant, or concluded by a guilty plea to the original charge (s), See LARLJ 1 regarding administrative reimbursement of jury fees for those who do not give at least 3 days notice of settlement to the clerk of the court.

LRALJ 1
FAILURE TO DESIGNATE THE RECORD

The Court will advise Superior Court in writing if a party fails to designate the portions of the record necessary for review as provided in RALJ 6.2(a). Failure to designate the record may be considered a failure to diligently pursue the appeal and cause the Court to revoke any stay of enforcement of the judgment under RALJ 4.2 and RALJ 4.3. At the time notice of failure to designate the record is transmitted to Superior Court, the Clerk shall also send notice to the parties of a hearing at which the Court shall consider revocation of the stay due to the failure to diligently pursue the appeal.

LRALJ 3
COPY OF RECORDING FOR PARTIES

Requests for duplicates of recorded tapes shall be in writing on a form prescribed by the Court. Duplicates of tapes and of the log for the record shall be delivered only after payment of the actual costs, unless the party is otherwise excused by statute or by the Constitution.