FERRY COUNTY DISTRICT COURT
LOCAL COURT RULES

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LARLJ 2
Scope of Rules and Adoption

(a) Effect of Local Rules. These rules shall be known as the Local Rules for the District Court of the State of Washington for Ferry County. These rules will be effective September 1, 2011. These rules conform with, to the extent possible, the numbering system and in format to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction.

The provisions of these local rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction, and shall not be construed in conflict with them.

(b) Adoption and Amendments. These rules are adopted and may be amended from time to time in accordance with 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 shown or upon the court's own motion.

[Adopted effective September 1, 2011]

LARLJ 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) Dress Appropriately to the Serious Nature of the Matters Before the Court. Shorts and other kinds of beach apparel are not appropriate. Clothing advertising alcoholic beverages or illegal drugs are not appropriate. Hats are not to be worn in the courtroom.

(h) No food or beverage of any kind are not to be brought into the courtroom, except for empanelled jurors.

(i) Do not approach a witness, the jury or the Judge without asking permission of the Judge.

(j) No person shall be in Ferry County District Court while in possession of a cell phone, pager, smart phone or other such device unless it is turned off or is in a silent or vibrate mode. Any person having any of these items not turned off or in silent or vibrate mode is subject to having such device seized upon direction of the Court. In addition, any person violating this rule shall be subject to punishment for contempt of court.

[Adopted effective September 1, 2011]

LARLJ 5
Court Administrator

(d) Selection. The court administrator shall be appointed by the judge and shall serve at the pleasure of the appointing authority under the direction and supervision of the judge.

(e) Powers and duties. The powers and duties of the court administrator include but are not limited to the following:

(1) Administrative control of all non-judicial activities of the court.

(2) Implement all policies regarding judicial functions of the court.

(3) Supervision of all court employees.

(4) Preparation and administration of the court budget.

(5) Representation of the court in dealings with the State Court Administrator.

(6) Assist the judge in meeting with representatives of governmental bodies, and other public and private groups regarding court management matters.

(7) Prepare reports and compile statistics as required by the judge or state court administrator and maintain records or informal activities of the court.

(8) Make recommendations to the judge for the improvement of the administration of the court.

The Court administrator may delegate such duties to court employees as deemed appropriate.

[Adopted effective September 1, 2011]

LARLJ 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.

[Adopted effective September 1, 2011]

LARLJ 7
Security of Courtrooms and Related Areas

Weapons: No weapons designed for offensive or defensive purposes shall be

allowed in any space assigned to the District Court and a violation of this order shall constitute contempt of court.

Exceptions: This rule shall not apply to Judges, commissioned police officers, corrections officers, or federal law enforcement officers.

[Adopted effective September 1, 2011]

LCRLJ 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 by 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 negotiable instrument, the original negotiable instrument;

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

(a) Property damage may be proved by repair bills or estimates;

(b) Loss of use claims, loss of wages, and pain and suffering shall be proved by oral testimony.

(c) 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. For prejudgment interest the document that contains the rate of interest shall be included, with the rate of interest underlined and highlighted in yellow for the court.

(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 plaintiff's collection costs, is filed with the court.

[Adopted effective September 1, 2011]

LCrRLJ 2.5
Procedure on Failure to Obey Citation and Notices to Appear

(a) Recall of Failure to Appear Arrest Warrants. The Court Administrator, or delegate, shall have authority to recall Failure to Appear Arrest Warrants issued because the defendant failed to appear or respond to the citation or summons under the following provisions:

(1) The Failure to Appear Arrest Warrant has not yet been sent to the Sheriff for entry into the NCIC.

(2) The defendant personally appears at the counter to sign for a court date or appears through counsel, and/or posts bail.

(3) In cases of clerical error.

(b) In all other cases, the defendant shall present himself/herself to the Ferry County Jail unless otherwise directed by the Court Administrator.

[Adopted effective September 1, 2011]

LCrRLJ 4.5
Pre-Trial Conference

(a) Date set at arraignment. When a plea of not guilty is entered, the court shall set a time for a pre-trial conference, approximately 30 days after the arraignment.

(b) Mandatory Appearance. All parties and their attorneys shall be present at the pre-trial hearing. Failure of a defendant to attend the pre-trial conference may result in the issuance of a bench warrant, the forfeiture of any bond, bail or other security posted by or on behalf of the defendant, and the striking of the trial date from the trial calendar.

(c) Discovery Complete. By the time of the pre-trial hearing, the parties should have completed discovery and concluded plea negotiations.

(d) Pre-trial Motions. All pre-trial motions (including Petitions for Deferred Prosecution) other than motions in limine, must be noted at the pre-trial hearing. The court will set a time for a hearing on the motions and set a briefing schedule. The motions must be made in writing accordance with the briefing schedule, with a memorandum of authorities, and, where appropriate, an affidavit setting forth the specific facts the party expects to elicit at the hearing.

(e) Jury Trial. The Trial Readiness Hearing and the Jury Trial will be confirmed at this time.

[Adopted effective September 1, 2011]

LCrRLJ 6.1
Jury Trial Readiness Hearing

A Jury Trial Readiness Hearing will be scheduled during the week prior to the jury term week. The Defendant must be present with his or her attorney. The failure of the Defendant to appear at this hearing, unless excused by the Court, may result in the issuance of a bench warrant and the jury trial being stricken, and shall be deemed a waiver of the Defendant's Right to Speedy Trial. At the hearing the following matters will be concluded:

1. All plea negotiations;

2. Exchange of witness lists;

3. Providing any discovery not previously completed by the Pre-Trial Conference; and,

4. Motions on legal issues arising subsequent to the Jury Pre-Trial Conference or on issues arising due to new evidence.

[Adopted effective September 1, 2011]

LCrRLJ 6.15
Jury Instructions

(a) Unless otherwise noted by the court, proposed jury instructions shall be filed with the court and served upon opposing counsel by 3 PM on Monday of Jury 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. Additional instructions, which could not be reasonably anticipated, shall be served and filed at any time before the court has instructed the jury. Each proposed instruction shall be on a separate sheet of paper. The original without citations shall neither be numbered nor include citations of authority.

[Adopted effective September 1, 2011]

LCrRLJ 7.6
Probation Monitoring Fees

Defendants placed on probation shall be required to pay a monthly monitoring fee, unless otherwise stated in the judgment and sentence.

[Adopted effective September 1, 2011]

LCrRLJ 8.2(f)
No Contact Orders

A request to extinguish or modify a No Contact Order in a Domestic Violence case may only be made by a party to the case and must be made in writing. A verified safety plan must in place for any victim of Domestic Violence. All parties and the alleged victim must be served with written notice at least five court days before any hearing to consider such a request.

[Adopted effective September 1, 2011]

LCrRLJ 38
Criminal Jury Trial

(a) Imposition of Costs. The Court shall be notified immediately if a case scheduled for jury trial is settled or will not be tried by the jury for any reason. An assessment for jury costs may be imposed if the parties fail to notify the court at least 24 hours before the trial is scheduled to begin. The responsible party will be required to pay a jury administrative reimbursement fee equal to the actual costs incurred by the Court for the jury trial, unless the Judge determines that those costs and fees shall not be paid. Costs include jury fee payments, mileage reimbursements and all postage costs to summon the jury. Any such terms imposed by the Court shall be paid as directed by the Court.

[Adopted effective September 1, 2011]

LIRLJ 2.6
Scheduling of Hearings

(A)(1)(i) A Respondent who requests a contested hearing may first be scheduled for a prehearing conference, which shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i).

(ii) The prehearing conference may be waived in accordance with the provisions of IRLJ 2.6(a)(1)(ii). However, a respondent who waives the prehearing conference may not be entitled to seek deferral of the infraction(s) alleged. If the respondent fails to timely waive or appear at the prehearing conference, then a default judgment shall be entered.

[Adopted effective September 1, 2011]

LIRLJ 3.2
Motion for Vacation of Default Judgment for FTA

(b) A defendant against whom a judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, on forms provided by the court, requesting that the judgment be set aside. The motion will then be presented to the court ex parte for determination. The motion will be evaluated in conformity with CRLJ 60 (b). If the Court grants said motion, the matter will be set for a hearing of the kind requested by the defendant on an upcoming calendar date.

[Adopted effective September 1, 2011]

LIRLJ 3.5
Decision on Written or Email Statements

Mitigation and Contested hearings regarding infractions are authorized. The procedure set out in IRLJ 3.5 is adopted. In place of the defendant's personal appearance at a contested or mitigated infraction hearing, defendants may submit their statement in writing (including email submissions). The sworn, written statements must be received by the Court no later than seven (7) calendar days before the scheduled hearing or it will not be considered. The Court shall examine the citing officer's report and any statements from 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. Any Defendant electing to request that the Court hold a contested hearing under this rule waives the right to appeal the Court's decision to Superior Court under IRLJ 3.5. Upon reaching a decision, the court will notify the person of the Judge's determination. The person 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 will be added and the matter 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.

[Adopted effective September 1, 2011]

LIRLJ 3.6
Deferred Findings

(a) Deferred Findings. The court may defer findings regarding traffic infractions prior to a contested hearing, or defer entry of an order following a mitigation for up to one year and impose conditions on that person.

(b) Limit. A person may not receive more than one deferral within a seven-year period for moving violations and one deferral within a seven year period

for nonmoving violations.

(c) Conditions. For moving violations the conditions may include attendance at traffic safety school (if available), payment of some or all of the presumptive fine and an administrative fee. For nonmoving violations the conditions may include payment of some or all of the presumptive fine and an administrative fee.

(d) Administrative Fee. An administrative fee shall be charged.

(e) Dismissal. After the end of the deferral period, the court will dismiss the infraction if the person has met all the conditions of the deferral and has not committed another traffic infraction during the period.

(f) Subsequent Violation during the deferral period. The court will notify a person during the pending deferment of a violation by first class mail to the address provided by the deferred person. The Court will note the deferred violation as committed and transmit the Notice of Infraction to the Department of Licensing. The Court shall of no other obligation to the deferred person in this regard.

[Adopted effective September 1, 2011]

LIRLJ 6.6
Speed Measuring Device Certification; Request for Speed Measuring Device Expert; Remote Testimony

Any certificate admissible under LIRLJ 6.6(b), and any other document related to a Speed Measuring Device, can be filed with the clerk of the court and maintained by the court as a public record, and shall be available for inspection by the public. Copies shall be provided by the clerk's office on request. There shall be no charge for the copy if it relates to an infraction filed against the person making the request. These records shall be available without a formal request for discovery. The court shall be entitled to take judicial notice of the fact that any document filed pursuant to this rule has been filed with the court.

Requests to produce the electronic measuring device expert shall be contained in a separate document and filed in accordance with IRLJ 6.6(b), and served on the prosecuting attorney with a conformed copy filed with the Clerk of the Court. The request cannot be combined with a notice of appearance or any other pleading.

The Court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone.

[Adopted effective September 1, 2011]