# Jefferson 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 Jefferson County. These rules will be effective on September 1, 1999 and will supersede all prior rules of this court. These rules conform, to the extent possible, with 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. 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.

(c) Prior Rules Repealed. All prior rules of the Jefferson County District Court are repealed upon adoption of these rules.

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## LARLJ 5. COURT ADMINISTRATOR AND PROBATION OFFICERS

(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.

[Amended effective September 1, 2002]

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## LARLJ 9.
## DISCLOSURE OF RECORDS

All requests for release of records/information shall be governed by the Judicial Information System Committee's Data Dissemination Policy, GR 31, and ARLJ 9.

(d) Court Assistance.

(3) Court facilities are available to the public to assist disclosure. A copy fee of $.15 per page or $10.00 per CD/tape shall be charged. Certified copies shall be $6.00 per document.

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## LCRLJ 5.
## SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(d) Filing.

(5) Motions. No motion for any order shall be heard unless the papers pertaining to it have been properly filed with the Clerk.

(6) Documents not to be filed:

(i) Interrogatories and depositions without written permission of Court, unless necessary for the disposition of a motion or objection;

(ii) Unanswered requests for admissions unless necessary for the disposition of a motion or objection;

(iii) Photocopies of reported cases, statutes, or texts, whether appended to a brief or other pleading, shall not be filed but may be furnished directly to the Judge hearing the matter;

(iv) Documents or copies thereof which should be received and/or admitted as an exhibit rather than included in the court file.

(v) Requests for discovery and/or answers unless necessary for the disposition of a motion or objection.

(7) Offers of Settlement. An offer of settlement made

pursuant to Chapter 4.84 of the Revised Code of Washington shall not be filed or communicated to the trier of fact in violation of Section 4.84.280 of the Revised Code of Washington prior to the completion of trial. A violation of this order shall result in the denial of attorney's fees. (See LCRLJ 68)

(j) Service by Facsimile; see GR 17. Service by facsimile shall be allowed only under the following conditions:

(1) The party or attorney of record to whom service is delivered has a publicly available fax number or has given written consent to receive fax service to the sending party or attorney;

(2) The attorney or party sending the document via fax shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on (DATE) VIA FAX FOR FILING IN COURT.

(3) Documents transmitted by fax shall be letter size (8-1/2 by 11 inches). Documents over 10 pages in length may not be served by fax without prior approval of the receiving party.

(4) Any document transmitted by fax must be accompanied by a fax transmittal sheet in a form that includes the case number (if any), case caption, number of pages, the sender's name, and the senders voice and facsimile telephone numbers. Transmittal sheets are not considered legal filings.

(5) A document transmitted directly to the receiving party shall be deemed received at the time the receiving party's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(k) Fees for Facsimile Filing. The standard fee for faxing to or from the clerk shall be $3.00 for the first page and $1.00 for each page thereafter

(l) Service by Email. See GR 30.2 (d)

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LCRLJ 10. FORM OF PLEADINGS

(f) Change of Address. Upon a change of office address, the attorney shall within 10 days after the change, furnish his/her Washington State Bar Association Membership Number, the previous address and telephone number, clearly identified as such, the new address and telephone number, clearly identified as such, and the effective date of the change.

(g) Change of Name. Upon a change of the attorney's name, the attorney shall furnish his or her Washington State Bar Association Membership Number, the previous name, clearly

identified as such, the full new name, clearly identified as such, and the effective date of the change.

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## LCRLJ 38
## JURY TRIAL

(d) Impaneling the Jury.

(7) Random selection
On the day of trial, the jurors shall sign in on the computer print-out provided by the Jury Manager After all of the jurors have signed in, the Bailiff shall deliver the sign-in sheet to the jury manager. The jury manager will randomly assign a number to each name. The list of assigned numbers shall be given to the Bailiff who will distribute juror numbers. . Any jurors wishing to be excused from serving on the trial shall be brought before the judge and examined in the presence of the parties. Those not excused shall be returned to the bailiff, who will then seat the panel in the courtroom in numerical order.

(8) Juror Questionnaires. At the conclusion of voir dire, Juror Questionnaires and/or any juror information forms shall be immediately returned to the Court. Juror Questionnaires and/or any juror information forms shall not be copied or removed from the courtroom without the express permission of the trial judge. The jury questionnaires will be destroyed after the jury is impaneled.

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## LCRLJ 40. ASSIGNMENT OF CASES

(b) Methods.

(1) Note for Trial Setting. Any party desiring to bring any issue to trial may note the matter on the civil motion calendar. The Court Administrator shall schedule all trial dates. The party desiring to set a civil case for trial shall file with the Court and serve upon the opposing party a Note for Trial Setting which will include not less than three (3) proposed dates during which the matter can be tried. If any of these proposed dates are satisfactory to the opposing party, he or she will notify the Court Administrator within five (5) days of receiving the Note for Trial Setting and trial shall be set for that date.

(2) Attendance at Trial Setting - Contested Setting. If setting of trial date is contested, the trial setting shall be presented to the court for assignment of trial date.

(3) Stipulation for Trial Date. At any time that all counsel can agree on an available trial date from the calendar, they can indicate their agreement to the clerk of the court on the Note of Trial Setting form.

(4) Priority Setting. To obtain a priority civil setting, the requesting party shall note the matter for trial setting, as set out above, indicating that a priority

setting is requested. Any priority setting shall be supported by an affidavit which sets out the basis for the request. No case shall be set as a priority without court order.

(5) When a case is not tried on the date set, the parties are responsible for renoting the matter for trial setting.

(e) Continuances.

(1) Trials - Written Motion. All requests for a continuance shall be presented by written motion and affidavit after notice to the opposing party or by stipulation and agreed order. If there is no agreement by the parties, the court will grant a continuance only upon a showing of good cause. Twenty-four (24) hours prior notice to the opposing party will meet the requirements of this subsection. Except where the case has been preempted or where the order of continuance recites the new trial date, no case will be reset until the order of continuance has been filed.

(2) Good Cause. The following shall be examples of good cause:

(i) Illness.
(ii) Unavoidable, unforeseen conflicts.
(iii) Unforeseen unavailability of witnesses.
(iv) Lack of discovery when caused by the opposing party's conduct or newly discovered evidence requiring investigation.

(3) Payment of Terms and Costs. If a continuance is granted it shall be upon the condition that the moving party shall pay all appropriate costs and terms reflecting inconvenience to others occasioned by the continuance.

(4) Emergency Suspension. The court may, in cases of emergency, suspend the requirements set forth in this rule and require such verification as is reasonable.

(g) Motion Setting - Civil.

(1) Filing Note for Hearing. The Note for Hearing - Issue of Law must be served and filed no later than ten (10) days prior to the hearing (CRLJ 6 and CRLJ 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. In the event a motion, or one continued from a prior date, is to be argued, counsel for the moving party shall notify the District Court Civil Clerk by 12:00 Noon, two (2) days before the hearing. Failure to comply with the provisions of this rule shall result in the motion being stricken from the motion calendar.

(2) Motion Setting - Summary Judgment. Motion for summary judgment and dismissal must be served and filed at least twelve (12) days prior to the hearing (CRLJ 56) and heard at least two (2) weeks prior to the date the case is set for trial. The motion shall be set in accordance with the provisions of paragraph (b) above; and a continuance may be granted only in accordance with the provisions of paragraph

(e) above.

(3) Filings of Motions. Memoranda and Affidavits -

General. The moving party shall file with the Note for Hearing-Issue of Law form, the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the issue of Law form. If the responding party files a response to the issue of law, or any counter-affidavits, briefs, or memoranda of authorities, such document must be served and filed no later than five

(5) days before the hearing. The responding party must also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar and imposition of terms.

(4) Length of Memoranda. Memoranda relating to motions shall not exceed fifteen (15) pages. Attached copies of foreign and federal decisions are not included in the fifteen (15) page limitation. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex parte.

(5) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be furnished to the Clerk at the time of filing for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(6) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

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## LCRLJ 43. TAKING OF TESITMONY

(e) Evidence on Motions.

Motions shall be heard only on the pleadings, affidavits, published deposition, and other papers filed unless otherwise directed by the Court. Any counter-affidavit shall be served on the opposing party within five (5) days before the hearing or the moving party shall have the option of a postponement of the hearing. Affidavits strictly in reply to a counter-affidavit may be served and considered at the hearing.

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## LCRLJ 49. VERDICTS

(f) Manner of Giving Verdict.

(1) Receiving Verdict During Absence of Counsel. A party or attorney desiring to be present at the return of the

verdict must remain in attendance at the courthouse or be available by telephone call. If a party or attorney fails to appear within ten (10) minutes of telephone notice to the attorney's office, home, or other number, the Court may proceed to take the verdict in the absence of such party or attorney. In such case, the Jury shall be individually polled and the identity of any dissenting jurors recorded.

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## LCRLJ 54. JUDGMENTS AND COSTS

(c) Demand for judgment.

(1) Method - Ex Parte Judgments and Orders. Counsel, legal interns and registered 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 Administrator. Self-addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.

(d) Costs - Attorney Fees.

(1) Reasonable attorney fees when allowed by statute or contract will be determined on a case by case basis and awarded in the sound discretion of the Court upon satisfactory justification, which shall include documentation of time and charges. In appropriate cases, when a default judgment is entered, where authorized and instead of those statutory fees set by RCW 12.20.060, reasonable attorney's fees may be allowed on the basis of a maximum of 50% of the first $500.00 of the principal amount of the judgment, plus 10% of any balance over $500.00, without formal justification or documentation.

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

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

(4) Statutory attorney's fees may be granted when reasonable attorney's fees are not authorized. (See RCW 12.20.060).

(5) Assigned Claims. Before costs and attorney's fees will be allowed by the Court on assigned claims, proof shall be furnished the Court that Notice and Demand for Payment of disputed amount has been sent to the defendant by the assignee, and he/she has had reasonable opportunity of not less than thirty (30) days to pay the disputed amount prior to the suit. Reasonable attorney's fees, when allowed, shall not exceed either ten percent (10%) of the disputed amount, or the statutory attorney's fee, whichever is greater unless there is documentation of time and charges. A statutory attorney's fee shall be allowed when the amount

in dispute is paid any time prior to trial on assigned claims. A reasonable attorney's fee shall not be allowed absent satisfactory justification including documentation of time and charges.

(6) 'Offer of Settlement' under RCW chapter 4.84 means a written offer served in the manner provided by CRLJ 5 for service of pleadings, and in an amount as set by the pleadings. A cross-claim will be treated (between cross-claimant and cross-claim defendant) as if it were a separate action.

(7) An offer of settlement must be served after the time the answer or the response to any counter-claim has been served and no later than fourteen (14) days before the trial date. The acceptance of any offer of settlement must be served no later than five (5) judicial days prior to the trial date. An acceptance must be in writing and must be served in the same manner as is required for an offer of settlement.

(8) The offer of settlement shall be substantially in the following form:

Jefferson County District Court
State of Washington

| | | |
|---|---|---|
| _____ | ) | |
| Plaintiff | ) | No. _____ |
| v. | ) | OFFER OF JUDGMENT |
| _____ | ) | |
| Defendant | ) | |

The party named below, in total settlement of this damage action, offers to allow judgment to be entered in this lawsuit against the defendant in the sum of $ _____, plus court costs. This offer is made pursuant to RCW 4.84.250 through RCW 4.84.300.

If you wish to accept this offer, you must do so, by written notice, to the undersigned attorney and file a copy of your response with the court named above. The response must be served within ten (10) days, and not later than five (5) days before trial.

If you do not accept this offer within that time period, and the offeror subsequently obtains a judgment which is at least as favorable to the offeror, the amount of the judgment may be increased by an award of additional costs and/or reasonable attorney's fees as authorized by RCW 4.84.250 through RCW 4.84.300, CRLJ 68, and LCRLJ 54.

Name of Offeror: _____

Date: _____

Attorney for Offeror: _____

Address: _____

# 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 counsel 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 allowed by the lease;

(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 attorneys 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.

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## LCRLJ 58. ENTRY OF JUDGMENTS

(k) Judgment on a Promissory Note.

No judgment on a promissory note will be signed until the original note has been filed with the Court, absent proof of loss or destruction.

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## LCRLJ 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

(k) A motion for reconsideration shall be submitted on brief and affidavits only, without oral argument, unless the trial judge on application from counsel or on his own motion allows oral argument. The moving party shall file the motion and all supporting affidavits, documents and briefs at the same time, and on the date of filing serve or mail a copy thereof to opposing counsel, deliver a copy thereof to the trial judge which copy shall show the date of filing. The trial judge shall either deny the motion and advise counsel of the ruling or advise counsel of desired further proceedings pursuant to CR 59 and this rule.

## LCRLJ 69. EXECUTION AND SUPPLEMENTAL PROCEEDINGS AND GARNISHMENTS

(b) Supplemental Proceedings.

(1) In all supplemental proceedings wherein a show cause order is issued pursuant thereto requiring the personal attendance of a party to be examined in open Court, and in orders to show cause in re contempt, the order to show cause must include the following words in capital letters:

YOUR FAILURE TO APPEAR AS SET FORTH AT THE TIME, DATE, AND PLACE THEREOF MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD, UNLESS BAIL IS FURNISHED AS PROVIDED IN SUCH BENCH WARRANT.

The failure to include such wording will be grounds for the Court to refuse to issue a bench warrant.

(2) Bench Warrant. In the event the judgment debtor fails to appear for examination in supplemental proceedings, the Court may issue a Bench Warrant for the defendant's arrest upon plaintiff's motion, provided that proof of service on the judgment debtor of the order to appear for examination has been filed. Such Bench Warrant shall provide for bail in the amount of $250.00 unless the total judgment, including costs and fees, is less than $250.00, in which case bail shall be set at such lesser amount. Upon arrest on a Civil Bench Warrant, the defendant shall be released by the jail upon posting the bail amount in cash or surety bond. The jail shall require the defendant to sign a jail release form to appear at 1:15 p.m. the next judicial day before the Court Administrator. The Court Administrator shall set a new date and time for the Supplemental Proceeding and notify both parties. If the judgment debtor is not released on bail or bond, he/she shall be brought before a judge, not later than the next judicial day, who shall set a new date and time for the examination of Supplemental Proceedings, and notify both parties. Upon completion of the examination of the judgment debtor, the bail shall be exonerated unless the Court orders otherwise.

(c) Judgment Against Garnishee. No judgment against a garnishee defendant, or order to pay into Court, or order to the Clerk to pay out any sum pursuant to a Writ of Garnishment, will be signed except after judgment is entered against the defendant and until the party who caused the writ to issue shall have proof of service in the manner provided by statute and twenty (20) days shall have elapsed from the filing of the answer of the garnishee defendant. There shall be attached proof of mailing of Notice of Intent to present Default Judgment against garnishee defendant by certified mail of not less than seven (7) days. No funds shall be paid into the Registry of the Court without a court order.

(d) Payment of Judgment. All payment of monies on judgments (including awards of costs) shall be made to the party and/or attorney, unless otherwise ordered. The receiving

party, or party's attorney, shall within thirty (30) days of receipt file a satisfaction of the judgment in the amount received.

(e) Order to Pay. The pattern form of "Judgment and Order to Pay", set out in RCW 6.27.265 (as amended), is hereby adopted for use in Jefferson County District Court.

(f) Federal Government as Garnishee Defendant.

(i) Whenever the federal government is named as a garnishee defendant the clerk of the court shall, upon submittal of a notice in the appropriate form by the requesting party, issue a notice which directs the garnishee defendant to disburse any non-exempt earnings to the court.

(ii) Funds received by the clerk from a garnishee defendant may be deposited into the registry of the court or, in the case of negotiable instruments, may be retained in the court file. Upon presentation of an order directing the clerk to disburse the funds received, the clerk shall pay or endorse the funds over to the party entitled to same. Except for good cause shown, the funds shall not be paid or endorsed to the judgment creditor prior to the expiration of any minimum statutory period allowed to the judgment debtor for filing an exemption claim.

(iii) The party requesting the writ of garnishment shall supply a copy of the notice to the garnishee defendant with a preaddressed envelope to the Court which has the cause number displayed thereon and to the garnished party in the same manner as is permitted for service of the writ of garnishment.

(iv) The notice to the federal government employer shall be in substantially the following form:

JEFFERSON COUNTY DISTRICT COURT
STATE OF WASHINGTON

| | |
|---|---|
| Plaintiff, | No. |
| vs. | NOTICE OF FEDERAL GOVERNMENT GARNISHEE DEFENDANT |
| Defendant. | |
| Garnishee Defendant | |

TO: THE GOVERNMENT OF THE UNITED STATES AND ANY DEPARTMENT, AGENCY OR DIVISION THEREOF

You have been named as the garnishee defendant in the above-entitled cause. A writ of Garnishment accompanies this Notice. The Writ of Garnishment directs you hold the non-exempt earnings of the above-named defendant, but does not instruct you to disburse the funds you hold.

BY THIS NOTICE THE COURT DIRECTS YOU TO WITHHOLD ALL NON-EXEMPT EARNINGS AND DISBURSE THEM, IN ACCORDANCE WITH YOUR NORMAL PAY AND DISBURSEMENT CYCLE, TO THE FOLLOWING:

( ) Jefferson County District Court

PO Box 1220
Port Townsend WA 98368

Cause # _____

PLEASE REFERENCE THE DEFENDANT EMPLOYEE'S NAME AND THE ABOVE CASE NUMBER ON ALL DISBURSEMENTS.

The following Writ also directs you to respond to the Writ within twenty (20) days, but you are allowed thirty (30) days to respond under federal law.

DATED this _____ day of _____ 19 _____.

_____
Clerk of the Court

[Amended effective September 1, 2002]

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LCRLJ 79. BOOKS AND RECORDS KEPT BY THE CLERK

(a) Other Books and Records Kept by Clerk

(1) Exhibits. Exhibits shall be kept separate from the Court file. Any inspection of an exhibit must be in the presence of a clerk unless authorized by an order of the Court.

(2) Rejection of Unsuitable Material. The Clerk shall not accept for filing in the court file, matters which should be filed as an exhibit or other material not to be included by reason of LCRLJ 5 (d) (6). When the Clerk is uncertain as to whether a matter is suitable for filing, he/she shall seek the advice of the Judge before filing the same.

(3) Removal of Files. No file may removed from the Clerk's Office without an order of the Court, except as herein provided; an attorney, legal intern, legal assistant, District Court Probation Officer, may check out a file without a specific order of the court. A person taking a file and failing to return same file by the close of business of the same day the file was checked out, shall lose the privilege of checking out files until the previously taken file is returned. Failure to return the file after notice from the Clerk's' Office of a violation of this rule may result in the imposition of terms or other appropriate sanctions. Any person checking out a file and leaving it with a judge or clerk shall have the duty to correct the check-out record in the Clerk's Office, showing with whom the file was left.

(4) Items Required to be Sealed by the Clerk's Office are as follows:

(i) Alcohol evaluations and reports;

(ii) Mental health evaluations and reports;

(iii) Drug evaluations and reports;

(iv) Pre-trial release evaluations and recommendations; and

(v) Any other item ordered to be sealed by a judge or classified as confidential by statute, rule or regulation (See LARLJ 9).

(vi) Determinations of Indigency.

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LCrRLJ. 1.5
Style and Form

The format requirements for papers being filed with a court are as specified in GR 14, except exhibits, the citation and notice, and forms approved by the Office of the Administrator for the Courts need not be on letter size paper (81/2 by 11 inches). The citation and notice shall be on a form prescribed or approved by the office of the Administrator for the Courts.

(a) Filing with Court. (See: CrRLJ 8.4(c) and CRLJ 5)

(1) Action Documents. Pleadings or other papers requiring action on the part of the Clerk/Court (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerks Action Required: (here state the action requested)."

(2) Format Recommendations. It is recommended that all pleadings and other papers include or provide for the following:

(i) Service and Filing. Space should be provided at top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of, or acknowledgment of, service. The papers should when feasible, such as common pleading or service forms, be pre-drilled or punched at the page top for fastening in court files.

(ii) Numbered Paper. All pleadings, motions, affidavits, briefs, and other supporting documents prepared by attorneys/parties should be on paper with line numbering in the left hand margin.

(3) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and secured/placed in the court file by the Clerk of the District Court in the order received.

Example LCrRLJ 1.5

IN THE JEFFERSON COUNTY DISTRICT COURT
IN AND FOR THE STATE OF WASHINGTON

| | | |
|---|---|---|
| _____ | ) | |
| PLAINTIFF | ) | CAUSE NO. XXXXXXX |
| v. | ) | CLERK'S ACTION REQUIRED: |

| | | |
|---|---|---|
| | ) | SET THIS MOTION FOR HEARING |
| _____ | ) | |
| DEFENDANT | ) | MOTION CHALLENGING COMPLAINT SUFFICIENCY |

The clerks will not search out action items. They will not search through letters, notices of appearance, requests for discovery, or other materials, to locate possible requests for action, such as: preservation of jury trial, or non-waiver of 60/90 day rule (this needs a request to set within the correct time, see CrRLJ 3.3), or concern with witnesses. Amongst CrRLJs impacted by this rule are:

CrRLJ 1.5 Style and Form
CrRLJ 3.3(e) Objection to Arraignment Date
CrRLJ 3.3(f) Setting of Trial Date ... Waiver of Objection
CrRLJ 4.3 Joinder of Offenses and Defendants
CrRLJ 4.3.1 Consolidation for Trial
CrRLJ 4.4 Severance of Offenses and Defendants
CrRLJ 4.7 Discovery (regulation of, not requests for)
CrRLJ 4.8 Subpoenas

[Effective September 1, 2012]

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## LCrRLJ 2.3. SEARCH AND SEIZURE

(h) Search Warrants.

The magistrate authorizing a search warrant shall retain custody and control of the original affidavit for search warrant until such warrant is executed and/or returned unexecuted.

(1) After execution, the search warrant shall be filed by number and description of the person or property to be searched. An index will be maintained and available to the public by the Clerk's Office.

(2) The affidavit and accompanying papers including the return of service shall be filed in accordance with the provisions of CrRLJ 8.10 and ARLJ 9.

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## LCrRLJ 2.5. PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICES TO APPEAR

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

(1) The Failure to Respond 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 case of clerical error.

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

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LCrRLJ 3.2
RELEASE OF ACCUSED

(a) Forfeiture.

Criminal offenses disposable by bond forfeiture shall be approved by the Judge. Nothing in this rule restricts a case by case disposition of a criminal matter.

(b) Uniform Bail Schedule.
The District Court shall follow the bail schedule set forth in CrRLJ 3.2 (o) (u).

(4) Bail for unscheduled misdemeanors shall be $250 unless otherwise set by statute or ordinance. Bail for unscheduled gross misdemeanors shall be $500 unless otherwise set by statute or ordinance.

(5) Bail as set forth in this rule, CrRLJ 3.2 or in any similar rule, shall only be available to defendants who have provided sufficient information to establish a positive and verifiable identity and home address. Absent such information, no bail may be accepted until established by court hearing.

(c) Release of Intoxicated Persons. No person issued a citation and/or arrested for the crime of Driving While Intoxicated, or Being in Physical Control of a Motor Vehicle While Intoxicated, shall be released on bail prior to appearance in court unless:

i. The person has no known prior alcohol related driving offenses;
ii. The person has a valid driver's license;
iii. The person has been under the observation of the jail staff for a minimum of six (6) hours; and
iv. The release will be during the daylight hours.

If the defendant cannot meet the criteria, he/she shall be held until the next arraignment calendar when the Court will set bail.

(d) Release of Intoxicated Minors. No person issued a citation and/or arrested for the crime of Driver Under Twenty-One Consuming Alcohol shall be released on bail prior to appearance in court unless:

i. The person has no known prior alcohol related driving offenses;
ii. The person has been under the observation of law enforcement personnel and/or jail or detention facility staff for a minimum of six (6) hours; and
iii. The release will be during the daylight hours.
iv. Persons under the age of eighteen shall only be released to a parent, legal guardian or the department of social and health services.

If the defendant cannot meet the criteria, he/she shall be held until the next arraignment calendar when the Court will set bail.

(e) Domestic Violence Offenses.

(1) No person issued a citation and/or arrested for a domestic violence offense shall be released on bail prior to appearance in court. "Domestic violence" includes but is not limited to any of the misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020 (5), or similar municipal ordinance, when committed by one family or household member against another. "Family or household members" are those persons listed in RCW 10.99.020(1) or similar municipal ordinance.

(2) No order issued under RCW 10.99.020 and/or RCW 10.99.040 shall be quashed until and unless the victim has successfully completed a Domestic Violence Protection Hearing.

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## LCRLJ 3.3. TIME FOR TRIAL

(e) Pre-Trial Hearings.

At arraignment the Judge will schedule a pre-trial hearing. The parties shall confer in good faith prior to the pre-trial hearing in an attempt to reach an agreed disposition. The defendant shall be required to attend the pre-trial hearing unless excused by the Court. Failure to attend may result in issuance of a bench warrant and/or forfeiture of any bond. If the case is not resolved at the pre-trial hearing, a trial date will be set. A readiness hearing shall also be set one week before the trial date. The defendant shall be required to attend the readiness hearing.

(k) Deferred Prosecution.

(1) Petition for Deferred Prosecution under Section 10.05 of the Revised Code of Washington, shall be filed fourteen (14) days before the date set for trial on forms approved by the Court.

(2) The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from the Probation Office, or such other Court Appointee authorized under Chapter 10.05 of the Revised Code of Washington.

(3) When the Court denies the Petition for a Deferred Prosecution timely filed under this rule, the case shall proceed to trial as previously set.

(4) In the event the Petition for Deferred Prosecution is approved by the Court, the defendant may be under the supervision of the Probation Department, or Court Appointee pursuant to Section 10.05.170 of the Revised Code of Washington. A defendant who refuses, fails, or neglects to comply with an order, or request of the Probation Office or Court Appointee, or the terms of supervision, or conditions of supervision, or conditions of deferred prosecution may have the deferred prosecution revoked.

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(e) Appearance by Defendant's Lawyer.

(7) Retained attorneys or public defenders who have assumed representation of defendants must promptly serve written notice of their appearance upon the Prosecuting Attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(8) A lawyer may enter an appearance on behalf of a client, except in cases in which the docket or charging document states that one or more of the charges involves DUI, Physical Control, Minor DUI, any Domestic Violence charge, including, but not limited to, Assault 4th DV, Malicious Mischief DV, Harassment, Violation of an Antiharassment/No Contact Order, Stalking or Harassment, whereupon the defendant's presence is mandatory and cannot be waived.

(f) Counter Appearance.

A defendant, in response to a Summons and Complaint, Citation and Notice to Appear, or a Jail Release Appearance form may first appear at the District Court clerk's window to obtain an arraignment or Pre-Trial Hearing date if one has not been set and to obtain a Determination of Indigency form for appointment of a public defender.

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## LCrRLJ 4.2. PROCEDURE UPON A PLEA OF GUILTY

(i) Guilty Plea Statement.

It shall be the duty of the Defense Attorney to have a properly completed written statement of the defendant on a guilty plea. Forms shall be furnished by the Court Administrator without charge.

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## LCrRLJ 4.5. PRETRIAL HEARING

(a) At arraignment a defendant shall be given a pre-trial date only.

(b) All parties shall be expected to have exchanged discovery. Parties shall discuss the need for hearing any motions, including but not limited to 3.5, 3.6, Hamrick and Knapstad motions.

(c) At pretrial the parties must resolve the case or advise that the case is ready for trial, at which time, a readiness hearing and trial date will be set.

(d) If an attorney has had no contact with his/her client by the date of the readiness hearing, a warrant shall issue.

## LCrRLJ 6.3. SELECTING THE JURY

See LCRLJ 38.

(a) In criminal cases set for jury trial, it is mandatory that the attorneys, or defendant in a pro se case, notify the court at readiness hearing whether or not they will proceed to jury trial. If the trial is cancelled at a party's request following readiness hearing but before the time for notification set forth in subsection (b), terms may be assessed against the attorneys in an amount equal to the cost of summoning a jury panel.

(b) In criminal cases set for jury trial, it is mandatory that the attorneys, or parties in a pro se case, notify the court by 3:00 p.m. the day prior to trial whether or not they will proceed to jury trial. The purpose of this requirement is to permit the cancellation of unneeded jury panels and the savings of the costs thereof. If this required communication is not received, terms may be assessed against the attorneys and/or parties.

## LCrRLJ 6.13.
## EVIDENCE - COURT'S CUSTODY OF EXHIBITS

(f) 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 that party and expiration of the appeal period. In the event of a finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentence by the court. Exhibits not returned shall be delivered by the court to the applicable law enforcement agency for disposition as abandoned property; or if contraband, for destruction.

[Amended effective September 1, 2002]

## LCrRLJ 7.6.
## PROBATION FEES

(c) Defendants placed on probation shall pay an annual probation fee of up to $400 unless otherwise specified by the court in the judgment and sentence or separate order of the court.

## LCrRLJ 8.2.
## MOTIONS

(a) Motion Day.

Motions shall be noted for and will be set the 2nd and last Friday of each month unless otherwise authorized by the court.

(b) Filing of Motions, Memoranda, and Affidavits.

The content and length of the Note for Hearing, Brief, Memoranda, and Affidavits are governed by LCRLJ 40 (b).

(c) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memoranda, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(d) Pretrial Motions.

All pretrial motions shall be filed, served and noted for hearing at least five days prior to the date specified for the hearing. Except as specially approved by the Court, all motions will be noted for hearing on the second or last Monday of the month. NO PRETRIAL MOTIONS SHALL BE HEARD OR NOTED FOR HEARING ON THE TRIAL DATE. Where no testimony is required, each side will be given ten minutes maximum in motion argument. If the hearing of a motion will take more than sixty minutes per side, notification must be given to the Court with an estimate of the time necessary at least ten days in advance so the Court may then specially set the motion. Furthermore, all 3.5 hearings must be noted by the defendant for the Motion calendar. The defendant must be present at the 3.5 hearing.

## LIRLJ 3.3. PROCEDURE AT CONTESTED HEARING

(b) Representation by Lawyer.

At a contested hearing, the plaintiff shall be represented by a lawyer representative of the Prosecuting Attorney, or the City Attorney when the defendant is represented by an attorney.

## LIRLJ 3.5. DECISION OF WRITTEN STATEMENTS

The procedure authorized by IRLJ 3.5 is adopted by this court.

(f) Scheduling. Upon a request for a hearing, the court shall send the defendant a letter and the appropriate form. Defendant shall return the completed form to the Court. The officer will be sent notice from the Court of the defendant's request and shall submit his/her sworn declaration. The Court will decide the issue from the evidence presented and render its decision in writing by mail.

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## LIRLJ 6.2. MONETARY PENALTY SCHEDULE

(e) Penalty for Unscheduled Infractions and Infractions Not Covered by IRLJ 6.2

A penalty schedule for persons charged with miscellaneous infractions not covered by Supreme Court Rule shall be established by local county or city ordinances.

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## LIRLJ 6.6. SPEED MEASURING DEVICE; DESIGN AND CONSTRUCTION CERTIFICATION

(d) Requests to produce the electronic measuring device expert shall be contained in a separate document and served on the Prosecuting Attorney with a conformed copy filed with the Clerk of the Court.

(e) In addition to the monetary penalties permitted by IRLJ 6.2 and statutory assessments, the speed measuring device expert's costs and fees, not to exceed $250.00, as well as statutory attorney's fees pursuant to RCW 7.80.140 shall be assessed against a non-prevailing respondent.

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## LRSC 1. FIRST APPEARANCE

(a) The term "appear" means personal appearance of the parties involved. At the first appearance, an employee or agent (not an attorney) may appear if that employee/agent has the sufficient facts in order to present the case, and is authorized to bind the party represented.

(b) If the plaintiff and defendant both appear on the assigned first appearance date the case will be assigned a mediator and will mediate that same day. Mediation is mandatory before a trial is allowed. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation. If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial.

If agreement is reached the parties will sign an agreement which will be entered into the record. Parties will receive a copy of the agreement. No judgment will be entered. If the agreement is breached, the nonbreaching party may return to the court for judgment after serving and filing a motion and affidavit setting forth the failure to comply with the terms of the agreement.

(c) If the plaintiff fails to appear, a dismissal will be entered. In cases where the defendant has filed a written counterclaim against the plaintiff and proof of service is presented, the defendant may be allowed judgment against the Plaintiff on the counterclaim. Oral counterclaims are allowed only if both parties appear at the first hearing, and then only if the counterclaim arises out of the same transaction or event upon which the Plaintiff's claim is based.

(d) If the defendant fails to appear and proof of service is presented, and if the plaintiff's testimony supports the claim, the plaintiff will be granted a default judgment against defendant up to the amount claimed and for costs.

(e) If neither party appears the case will be dismissed without prejudice.

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## LRSC 2. TRIAL

If a trial is necessary, both plaintiff and defendant will appear, testify, call witnesses, and present exhibits for the court to consider. If it is inconvenient or overly expensive to call a witness to appear personally, affidavits of witnesses can be presented. Any affidavit expected to be considered by the court shall be served on the other party at least five (5) days (excluding Saturday, Sunday and Holidays) before the trial. A responsive affidavit may be presented at the trial. Copies of such affidavits must be made available to the other party before the trial commences. A simple "signed statement" will not be considered an affidavit and will not be accepted as evidence. The same rules apply at this hearing as applied at the first appearance if the parties fail to appear.

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## LRSC 3. CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL.

The party requesting the continuance must contact the other party who must also agree to the continuance. Both parties must contact the court in person or by telephone. If one party will not agree to the continuance, the party seeking the continuance may make a written motion for continuance and set a hearing date prior to the scheduled mediation or trial date. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the motion to continue. At the hearing, the judge will determine whether the matter will be continued. If there are less than five days prior to the mediation or

trial date to serve the opposing party, the party requesting the continuance may contact the court to explain the circumstances which require the mediation or trial to be continued. The matter may be continued by the court upon showing of good cause.

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## LRSC 4. DISCOVERY

Discovery, if any, shall proceed in an informal manner. No formal discovery such as interrogatories, requests for production, and/or depositions shall be permitted without prior written approval of the court.

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## LRSP 1. NAME CHANGES

(a) Requirements. An applicant who applies to the court for a change of name pursuant to RCW 4.24.130 must meet the following requirements:

(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) Minors: 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 guardian must approve the change of name either by personal appearance or by verified affidavit.

(3) Separate Applications - Each applicant requesting a change of name must present a separate Change of Name Order and pay a separate filing fee and recording fee.

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## LRSP 2. UNLAWFUL HARASSMENT PROCEEDINGS

(a) Jurisdiction. If the circumstances alleged in the petition for unlawful harassment meet the statutory criteria, the court shall hear the case unless the parties are already involved in a pending dissolution, dependency or paternity proceeding in which case the matter shall be transferred to Superior Court. The court may require a petitioner to appear and provide testimony prior to issuance of an ex parte temporary order.

(b) Indigent Filing. Upon request of the applicant, the Court shall assess the applicant's financial resources to determine if that individual may proceed in forma pauperis. For the purpose of determining whether grounds for waiver of the filing fee exist, the applicant must complete under oath and submit an Application For Waiver of Fees. No order authorizing waiver of the filing fee shall issue unless the

mandatory financial information is submitted to the Court.

(c) Hearing. In unlawful harassment actions only the parties may testify without cross examination, or make statements as allowed by the court. The court may take testimony if it appears to the court necessary for an adequate determination of the matter.

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