Local Rules
Lincoln County District Court
State Of Washington

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Lincoln District Court
LOCAL COURT RULES

INTRODUCTION

FOREWORD: 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, and IRLJ 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 or entitled to a jury trial shall, before 1:30 p.m. five working days prior to the scheduled trial date, contact the Lincoln 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 five working 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, elects to enter a plea of guilty; 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 and all postage costs to summons the jury, unless the Judge determines that those costs and fees shall not be paid.

LARLJ 2

RESERVED

LARLJ 3
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 4
MISCELLANEOUS FEES

The following shall be the schedule of fees charged for certain official services provided by the Lincoln 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).....$40.00
Return of Check Fee (NSF or Account closed checks)...$35.00
Non-traffic civil infraction -
violation of City or Town Ordinance Filing Fee.....$12.00
Additional fee if court hearing held $13.00
Misdemeanor - violation of City or
Town Ordinance Filing Fee $25.00

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

LARLJ 5
RESERVED

LARLJ 6
DISCLOSURE OF PUBLIC RECORDS

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

(E) Judges notes and work sheets.

2. Access to confidential records is limited to persons authorized by statute or who obtain a Court order.

3. FILE RESEARCH FEE

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.

LCRLJ 1
FILING OF PLEADINGS AND OTHER PAPERS

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

2. Unanswered request for admissions unless necessary for the disposition of the motion or objection.

3. Total copies of reported cases, statues 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

4. 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 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 pretrial hearing, a pre trial will be set. If both parties stipulate the pre-trial hearing may be set on the docket for a telephone conference hearing. 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 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
RESERVED

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 Lincoln 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 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 the 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
ENTRY OF JUDGMENT

A. Attorney fees. When a party is entitled to an award of reasonable attorney fees (in lieu of those statutory fees provided for by R. C. W. 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

Attorneys' fee requests in excess of $600 must be itemized.

LCRLJ 6
DEFAULT JUDGMENTS (No Appearance by Defendant)

(a) 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.

(b) Default judgments shall be subject to the following:

(1) No default judgment shall be granted except upon motion by plaintiff's counsel of record, or if none, by motion of plaintiff.

(2) No default 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 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;

(iii) on causes of action on 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 for rent based on an oral lease, a statement of account similar to that required in actions on open account. If any claim is made for damages or repairs to premises, such claim must be itemized separately;

(v) on causes of action based on a negotiable instrument, the original negotiable instrument.

(vi) on causes of action for rent based on a written lease, a copy of the lease and a statement of account as in subsection (b)(2)(ii) of this Rule;

(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.

(3) No judgment for interest shall be allowed unless 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.

(4) Plaintiff shall file a stamped addressed envelope with the last known address of the defendant at the time the motion for default judgment is made. No more than fifteen (15) days following the entry of the default judgment, the clerk of court shall mail a copy of the judgment to the defendant.

LCRLJ 7
PAYMENT OF MONIES ON JUDGMENTS

All payments of monies on judgments (including awards of costs) shall be made to through the Clerk of the Court. After said funds 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 8
CIVIL JURY

(a) 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 hearing . Opposing counsel or party 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.

LIRLJ 1
DECISIONS ON WRITTEN OR EMAIL STATEMENTS

In place of the defendant's personal appearance at a contested or mitigation infraction hearing, defendants may submit their statement in writing (including email submissions). The statement may be on Form LIRLJ #1, or it may be submitted on the court's electronic hearing Form LIRLJ #2. The court shall examine the citing officers 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 been 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 the Superior Court under IRLJ 3.5.

LIRLJ 2
MANDATORY LIABILITY INSURANCE VIOLATIONS-PROOF OF INSURANCE

(A) If a person who has been cited with a violation of RCW 46.30.020 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 dollars ($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) Court clerks are authorized to mitigate the penalty for Mandatory Liability Insurance Violations (RCW 46.30.020) in cases where the person cited presents, either in person at the Clerk's Counter, or by mail or email or facsimile, evidence of after citation procurement of insurance in amounts as the Court, from time to time, directs by general court order.

LIRLJ 3
STUDENT COURT

The court from time to time may defer a Traffic Infraction of a defendant who is a high school student. The deferral shall be pursuant to RCW 46.63.070.

LIRLJ 4
REQUEST FOR SPEED MEASURING DEVICE EXPERT; REMOTE TESTIMONY

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). If the parties stipulate the court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone or other electronic means acceptable to the court.

Allowing SMD expert testimony by telephone serves to reduce costs incurred by law enforcement agencies as well as assisting defendants in presenting the testimony of their own SMD experts.

LCrRLJ 1
NON-APPEARANCE

Upon the non-appearance of a defendant at the time and place scheduled by the court and a Bench Warrant issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings upon motion of the prosecuting attorney or upon the court's own motion. If the necessary witnesses do not appear at the time scheduled by the court, the court may dismiss such action unless a good cause for such non-appearance is shown. No such action shall be taken until thirty (30) minutes after the scheduled appearance time.

LCrRLJ 2
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 3
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

DUI/Physical Control Cases. In addition to posting bail as set out in CrRLJ 3.2(m)(or by local schedule) in all 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 for eight hours from time of booking before being entitled to release by posting bail.

(The remainder of this section deleted)

LCrRLJ 4
CONDITIONS FOR RELEASE FROM JAIL

Adopted September 1, 2000 is repealed.

LCrRLJ 5.1
PRE-JURY TRIAL HEARING

In every criminal case in which the defendant has not waived a jury trial, the clerk shall set a pre-trial hearing. The purpose of the hearing is for the presentation and setting of motions, an opportunity for plea negotiations between the parties, and the setting of dates for a readiness hearing and the jury trial. Discovery should be completed by the pre-trial hearing. See CrRLJ 3.5, and CrRLJ 3.6 for motions practice and procedure.

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

LCrRLJ 5.2
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 14 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 2 working days prior to a jury trial including WPI.

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 14 days notice of settlement to the clerk of the court.