SKAGIT COUNTY DISTRICT COURT LOCAL RULES

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PREFACE

1. PROMULGATION. These rules shall be known as the Local Rules for the District Court of the State of Washington for Skagit County. Copies of these rules will be filed with the Office of the Administrator of the Courts, and the Clerk of the District Court for Skagit County. Copies of these rules will be distributed to all law offices in Skagit County and to the County Law Library for public reference. Copies will be available from the District Court Clerk for Skagit County. These rules will be effective on September 1, 1999.

2. NUMBERING. Consistent with GR 7(b) Washington Court Rules, these rules, to the extent possible, conform in numbering system and in format to those rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction and facilitate the use of the same. The number of each rule is preceded by the abbreviation "SL" designating the rule as a Skagit County Local Court Rule and as being supplemental to the corresponding Washington Court Rule for Courts of Limited Jurisdiction.

3. Revisions and Additions (reserved).

SLARLJ 2.
SCOPE OF LOCAL RULES

These rules govern the procedure in the District Court of the State of Washington for Skagit County. These rules are supplemental to the rules enacted by the Washington State Supreme Court for courts of limited jurisdiction as specifically authorized by 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 being shown or upon the court's own motion.

[Formerly SLARLJ 1 adopted effective September 1, 1999; amended effective September 1, 2012]

SLARLJ 5.
LOCATION OF PRIMARY OFFICE AND MUNICIPAL DEPARTMENTS

The primary office of the District Court of the State of Washington for Skagit County

shall be located in Mount Vernon, Washington. The municipal courts of the Cities of Anacortes, Burlington and Mount Vernon are duly organized Municipal Departments of the Skagit County District Court sitting in its respective municipality. These rules are binding upon the Municipal Departments of the Skagit County District Court.

[Formerly SLARLJ 2 adopted effective September 1, 1999; amended effective September 1, 2012]

SLARLJ 7.
SCHEDULING

(a) Calendar. The Court Administrator shall develop and maintain a calendar for all hearings and trials.

(b) Priority. Whenever the caseload of the court requires, trials and other matters will be subject to multiple settings on the same date. The order in which said matters proceed will be determined by the judge based on speedy trial rule in criminal cases, the age of the civil cases, and the availability of jurors.

(c) Transfer of Cases. If the caseload or other circumstances require, the court may appoint a Court Commissioner or Judge Pro Tempore to hear that trial or calendar of cases and may arrange for it to be heard in a location other than the usual courtroom.

[Formerly SLARLJ 3 adopted effective September 1, 1999; amended effective September 1, 2012]

SLARLJ 9 (b)
DISCLOSURE OF CONFIDENTIAL RECORDS

The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order:

1. Affidavits for Search Warrants before a return of service and inventory has been filed with the court:
2. Mental health, psychiatric and medical reports;
3. Alcohol and drug evaluations and compliance reports;
4. Deferred prosecution evaluations and police reports;
5. Certified copies of driving records, abstracts of driving records and compiled reports of arrests and convictions;
6. Judge's notes and worksheets;
7. Witness statements and police reports;
8. Address of Jurors

Dissemination of data by the court shall be done according to the Skagit County District Court's Data Dissemination Policy Adopted by the court on January 15, 1998 subject to revisions or amendments duly enacted by the court. A copy of said policy is available upon demand made to the Skagit District Court Clerk's Office.

[Formerly SLARLJ 9 (g) adopted effective September 1, 1999; amended effective September 1, 2012]

SLCRLJ 40 (b).
NOTE FOR TRIAL ASSIGNMENT

Any party may file a notice asking that the case be set for trial. Said notice shall set a hearing date for trial setting. In lieu of appearance at said hearing, the parties may submit their trial conflicts in wiriting in advance of the date for trial setting. By noting the matter for trial, the moving party certifies that discovery is complete and the case is ready for trial. By not objecting to trial setting, the non-moving party joins in the moving party's certification. A note for trial assignment must be served on the non-moving party at least ten days in advance of the date set for hearing.

[Formerly SLRCRLJ 40 (b) adopted effective September 1, 1999; amended effective September 1, 2012]

SLRCLRJ 7 (b)(5)
MOTIONS FOR ORDERS SHORTENING TIME

No party shall seek a motion for order shortening time for hearing a motion unless said party has first notified opposing counsel or the opposing party(s) that such a motion will be sought. The moving party's

motion shall be supported by an affidavit or declaration under penalty of perjury detailing the nature of the emergency necessitating the shortening of time and further stating that opposing counsel/party has been provided with a copy of the motion together and the time and place of the hearing wherein the moving party is seeking an order shortening time. Such affidavit or declaration shall state when and where opposing counsel was served with the motion and notice of hearing. The Court shall not grant an order shortening time unless it is satisfied that an emergency justifying the shortening of time truly exists and that the moving party has exercised due diligence in timely advising the opposing counsel/party of the hearing on said motion.

SLCRLJ 40(g).
MANDATORY MEDIATION FOR SMALL CLAIMS COURT

Mediation is mandatory before a trial is allowed in Small Claims Court. Mediation is held at the first scheduled appearance date unless continued by the court for good cause. Both parties must attend the mediation. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear, their answer, if one was filed, may be stricken and default judgment entered. Parties may 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.

[Formerly SLRCRLJ 40 (g) adopted effective September 1, 1999; amended effective September 1, 2012]

SLCRLJ 54.
REASONABLE ATTORNEY FEES

(a) The court shall grant reasonable attorney's fees when permitted by statute or on the basis of a written instrument. A party seeking reasonable attorney's fees shall file with the court the written instrument or, in the event of a dishonored check, proof of the service of the statutory form of Notice of Dishonor in accordance with RCW 62A.3-104. If reasonable attorney fees are requested based on a contract provision, the contract provision must be conspicuously highlighted or underlined to be readily ascertainable. Specific citation of authority must accompany requests for reasonable attorney fees on any basis other than contract provision. Reasonable attorney's fees following the granting of a judgment at trial or motion shall be set by the court, in its discretion, and the court may require the filing of an affidavit in support of the request.

(b) Offer of Judgment. When a party is seeking reasonable attorney's fees following the entry of a judgment under the provisions of RCW 4.84.250 through RCW 4.84.300, proof of compliance with the service procedures must be shown to the court following the entry of the judgment.

(c) Default Judgments. Reasonable attorney's fees awarded on a default judgment, where authorized by law or contract, shall be presumed to be no more than $500 subject to modification in the court's discretion based upon the circumstances of a particular case and where supported by an affidavit or declaration in support of the request.

[Formerly SLRCRLJ 54 adopted effective September 1, 1999; amended effective September1, 2012]

SLCRLJ 56 (h)
SUMMARY JUDGMENT MOTIONS AGAINST PRO SE LITIGANTS

In all cases where a motion for summary judgment is brought against a litigant who is not represented by an attorney, the moving party must attach a copy of CRLJ 56 to the motion for summary judgment. Said copy shall be attached to the motion filed with the court and the copy of the motion served on the non-moving party. In the event a copy of said rule is not so attached, the motion shall be stricken subject to being re-noted without terms.

[Formerly SLCRLJ 56 (h) adopted effective September 1, 1999; amended effective September 1, 2012]

SLCRLJ 64.1
CIVIL ARREST WARRANTS - NECESSARY INFORMATION

The Court will not issue a civil arrest warrant until the party applying for the issuance of said warrant has provided the Court with necessary information identifying the person for whom the warrant is sought. Said information includes the following minimum facts: (1) full name ; (2) date of birth; (3) height or weight, and; (4) hair or eye color.

[Formerly SLCRCRLJ 64.1 acopted effective September 1, 2002; amended effective September 1, 2012]

SLCrRLJ 2.5
ISSUANCE OF BENCH WARRANTS

The Court Administrator or Lead Clerk is authorized to sign and issue warrants in the following cases:

(a) FAILURE TO APPEAR AFTER SIGNED PROMISE TO APPEAR: When a defendant has failed to appear either in person or by a lawyer in answer to a citation and notice, or an order of the court, upon which the defendant has signed a notice to appear. In the event defendant's appearance is mandated by statute, defendant must appear personally.

(b) FAILURE TO APPEAR IN RESPONSE TO A SUMMONS: When a summons has been issued after authorization of a Judge, and determination by a Judge has been made that probable cause exists that the defendant has committed the crime alleged, and the defendant fails to appear in person or by a lawyer. In the event defendant's appearance is mandated by statute, defendant must appear personally.

(c) FAILURE TO APPEAR IN RESPONSE TO A NOTICE: In any case where a defendant fails to appear in person or by a lawyer after notice directing the defendant to appear has been sent to the defendant at the defendant's last address which appears in the court file.

(d) FAILURE TO APPEAR AFTER RELEASE ON RECOGNIZANCE OR ON BAIL: When a defendant fails to appear after posting bail, or release on recognizance in any case designated as a "MANDATORY APPEARANCE" case by local rule.

(e) FAILURE TO APPEAR AFTER PROBATION VIOLATION HEARING: When, after a probation violation hearing, an order has been signed by a Judge directing the defendant to perform certain terms or meet specified conditions or appear, and when there is no evidence in the file that the directed terms and conditions have been satisfied, and the defendant, after signing the order, fails to appear at the time directed in the order.

[Adopted effective September 1, 1999]

SLCrRLJ 3.1(e)
WITHDRAWAL OF LAWYER

(rescinded)

[Adopted effective September 1, 2012; rescinded effective September 1, 2012]

SLCrRLJ 3.1(g)
WAIVER OF RIGHT TO COUNSEL

(rescinded)

[Adopted effective September 1, 1999; rescinded effective September 1, 2012]

SLCrRLJ 3.3 (f)
TIME FOR TRIAL

(rescinded)

[Adopted effective September 1, 2002; rescinded effective September 1, 2012]

SLCrRLJ 3.4 (a).
PRESENCE OF THE DEFENDANT

Defendant must be present at all stages of the proceedings from arraignment through imposition of sentence. Defendant may waive his/her right to be present unless such waiver conflicts with statute or court rule. Such waiver of presence must be in written form and approved by the Court in advance of each hearing for which waiver of presence is sought. In the event a Defendant does not appear for a hearing and has not obtained prior court approval of a

waiver of presence, such non-appearance shall constitute a failure to appear for purposes of CrRLJ 3.3 (c) (2) (ii). Both Defendant and Defendant's attorney shall be present at trial confirmation unless the court has accepted Defendant's written waiver of his or her right to be present. If Defendant does not appear for trial confirmation, all of Defendant's pending trial dates shall be stricken and a warrant issued for Defendant's arrest.

[Adopted effective September 1, 2002; amended effective September 1, 2012]

SLCrRLJ 3.6
SUPPRESSION HEARINGS

(rescinded)

[Adopted effective September 1, 1999; rescinded effective September 1, 2012]

SLCrRLJ 4.1(d).
CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

(rescinded)

[Adopted effective September 1, 1999; rescinded effective September 1, 2012]

SLCrRLJ 4.12
DUTY TO NOTIFY COURT AND WITNESSES

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the Court. Notice to the court should be in written form, however, telephonic notice is acceptable where appropriate due to time constraints provided that said notice is confirmed in writing. It shall be the duty of each party to notify their own witnesses, not only of the date and time of the trial, but also of continuances, pre-trial hearings, motions, and other proceedings. The Court will not pay witness fees to witnesses who appear for a case which has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

[Adopted effective September 1, 2005; amended effective September 1, 2012]

SLCrRLJ 6.13(b).
EVIDENCE-BLOOD DRAW CERTIFICATION

(rescinded)

[Adopted effective September 1, 1999; rescinded effective September 1, 2012]

SLCrRLJ 6.13 (f)
EVIDENCE - COURT'S CUSTODY OF 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 the exhibit upon motion of the party and the 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 obtaining a receipt from the person or agency receiving it.

SLCrRLJ 7.2(g)
ALTERNATIVE TO SENTENCING - DEFERRED PROSECUTION

Prior to entry of an order deferring prosecution pursuant to RCW 10.05, the

Defendant shall schedule an appointment and meet with a representative of the Skagit County District Court Probation. During this meeting Defendant shall be advised of the requirements for supervision of a deferred prosecution.

[Adopted September 1, 1999; amended effective September 1, 2012]

SLCrRLJ 8.2
MOTIONS

(rescinded)

[Adopted effective September 1, 2005; rescinded effective September 1, 2012]

SLIRLJ 3.2(b)
MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FTA

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 said judgment be set aside. The motion will then be presented to the court ex parte for determination. If, upon review, the court finds that a hearing upon the motion is necessary, the matter shall be set for hearing. Defendant must be present in the event the matter is set for hearing. 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. Mitigation hearings may be heard at the time of the motion if the calendar allows.

[Adopted effective September 1, 2008]

SLIRLJ 3.5
DECISIONS ON WRITTEN STATEMENTS

Hearings on alleged traffic infractions may be held upon written statements pursuant to IRLJ 2.4 (b) (4), 2.6 (c), and 3.5 for alleged infractions which are contested or where the Defendant requests a mitigation hearing.

[Adopted effective September 1, 2005]

SLIRLJ 6.6.1
CERTIFICATION OF SCALES USED IN THE MEASURMENT OF WEIGHT FOR COMMERCIAL MOTOR VEHICLES

(a) IN GENERAL. This rule applies only to contested hearings in traffic infraction cases.

(b) SCALE CERTIFICATION. Evidence given under oath (including testimony given in person or the written report of an officer as provided in IRLJ 3.3) of the results of a measurement of the weight of any commercial motor vehicle or portion thereof shall be admissible without additional foundation. A sworn statement setting forth the results of any inspection, test and/or certification of any scale used primarily for the purpose of measuring the weights of commercial motor vehicles shall likewise be admissible in evidence without additional foundation, and shall not be subject to objection on grounds of hearsay, provided that such document is maintained in a manner consistent with subsection (d) of this rule. Any party may present evidence supporting or attacking the result of any such measurement of weight or the inspection, test and/or certification of any such scale.

(c) [Reserved]

(d) MAINTAINING CERTIFICATES AS PUBLIC RECORDS. Any document of inspection, test and/or certification of any State scale as set forth in subsection (b) of this rule may be filed with the court and maintained by the court as a public record. The documents will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The documents are available without a formal request for discovery. In the alternative, or in addition, such documents may be maintained on a web site established for that purpose by the Washington State Patrol. The court is entitled to take judicial notice of the fact that the document has been filed with the court or maintained on the web site. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document.

[Adopted effective September 1, 2008]