BLAINE MUNICIPAL COURT (BNM)
LOCAL COURT RULES

TABLE OF RULES

Preface

BNMGR - General Rules
1. Scope & Adoption of Rules
24. Courtroom Decorum
26. Judges Pro Tempore
30. Filing
31. Disclosure of Court Records
34. Order of Docket

BNMCrR - Criminal Rules
2.2. Quashing Warrants
4.1. Crimes Requiring Defendant's Appearance at Arraignment
4.5. Required Presence at Pretrial Hearings
4.8. Request for Subpoena
6.1. Trial by Jury, Pretrial Hearing, Readiness Hearing
6.2. Written Jury Instructions
8.2. Motions - Judicial Copies

BNM IR - Infraction Rules
2.6. Scheduling of Hearings
3.1. Pre-Hearing Procedures
6.6. Telephonic Procedure at Contested Hearings
7. Infraction Witness Fee
8. Infraction Fines - No Proof of Liability Insurance

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PREFACE

1.
PROMULGATION

These rules shall be known as the Local Rules for Municipal Court of Blaine, County of Whatcom, State of Washington. Copies of these rules will be filed with the Office of the Administer of the Courts, and the Clerk of the Municipal Court of Blaine. Copies of these rules will be distributed to the Whatcom Law Library for public reference. To the extent possible, these rules will be placed on the Internet at the Blaine Municipal Court web page. Copies will be available from the Municipal Court Clerk for Blaine. These rules will be effective on September 1, 2012, and supersede all prior rules of this court.

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. Each rule should be considered supplemental to the Washington Court Rules applicable to Courts of Limited Jurisdiction.

3.
REVISIONS AND ADDITIONS (RESERVED)

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1
SCOPE & ADOPTION OF RULES

These rules are adopted pursuant to GR 7 and govern the procedure in the Blaine

Municipal Court in Whatcom County in the State of Washington. 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, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The Blaine Municipal 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 in the interests of justice and/or the efficient operation of the court.

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## 24
## 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) 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.

(c) Do Not Disrupt the Court Proceedings. Disruptive behavior that interferes with the functioning of the judicial system, including preventing or blocking attorneys, defendants, court officials and staff from hearing the proceedings, will be presumptively considered to be eligible for sanction as Contempt of Court under RCW 7.21, et al.

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## 26
## JUDGES PRO TEMPORE

Except as limited by statute, Judges Pro Tempore shall have the authority of a regular judge during regular Court sessions for which he or she is appointed.

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## 30
## FILING

All pleadings and other papers shall be filed with this court by mail, messenger or hand delivery. The court does not accept facsimile transmission or e-mail of original pleadings or papers.

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## 31
## DISCLOSURE OF COURT RECORDS

(a) The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order, unless clearly authorized my statute or court rules.

(1) Affidavits for search warrants before a return of service and inventory have 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 (except for a person who has a pending case before Blaine Municipal Court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license) and compiled reports of arrests and convictions;

(6) Judge's notes and worksheets;

(7) Witness statements;

(8) Address of jurors;

(9) Juror notes taken during trial.

(b) Document Requests and Fees. 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. Fees for the duplication and preparation of documents and recordings shall be maintained and made available by the Court Clerk. Payment for copies of documents and recordings must be received before copies are made, unless otherwise ordered by the court.

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## 34
## ORDER OF DOCKET

(a) Criminal matters will be heard first, starting with arraignments. At the court's discretion, priority can be given to criminal matters in which the defendant is represented by an attorney, in order to minimize the effect of attorney fees on the criminal justice system. After criminal matters are complete, then civil matters, including infractions, will be heard, regardless of whether or not either party is represented by an attorney.

(b) For good cause shown, the Court may adjust the schedule to accommodate conflicts, disabilities, or other good causes and set any matter at other times and days, or adjust the order of the docket.

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## 2.2
## QUASHING WARRANTS

The defendant or defendant's attorney may schedule a hearing to quash a warrant, either in person or by telephone. The warrant will not be stayed or quashed and the defendant will still be subject to arrest on the warrant until the defendant has appeared in open court and the judge has quashed the warrant, unless otherwise authorized by the Court after a telephonic hearing.

No warrant will be quashed until the defendant has paid a fee pursuant to a schedule maintained and made available by the Court Clerk; provided that the fee may be waived by the court in the interest of justice, for good cause shown.

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## 4.1
## CRIMES REQUIRING DEFENDANT'S APPEARANCE AT ARRAIGNMENT

A lawyer may not enter a written plea or not guilty plea on behalf of a client if the charging document states that one or more of the charges involves domestic violence, violation of a no contact order, driving under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for arraignments and the court shall determine appropriate conditions of pretrial release. Where legislation mandates the defendant's appearance on the next judicial day following arrest, the term "next judicial day" as applied to the municipal court shall mean the next regularly scheduled court day for the Blaine Municipal Court.

## 4.5
## REQUIRED PRESENCE AT PRETRIAL HEARINGS

Unless a disposition of the case is entered into at the first appearance hearing or arraignment, a pretrial hearing shall be scheduled and held. Defendant and all counsel must be present at any pretrial hearing. Failure of the defendant to appear may result in the issuance of a bench warrant.

## 4.8
## REQUEST FOR SUBPOENA

Any request for a subpoena to be issued by the court must be filed in writing at least fourteen (14) days before the hearing, or such lesser time as the court deems proper. The request may not be combined with a Notice of Appearance or any other pleading.

## 6.1
## TRIAL BY JURY, PRETRIAL HEARING, READINESS HEARING

In every criminal case in which the defendant pleads not guilty, the clerk shall set a date for a pretrial hearing. The purpose of said hearing is for presentation of motions, completion of plea bargaining, or to set a trial date and readiness hearing. Unless the pretrial hearing is continued to another date or the case is resolved at the hearing, a trial date shall be scheduled at the pre-trial hearing. If a jury trial date is set a readiness hearing date will be set. If the right to jury trial is waived it must be done so in writing.

If the defendant fails to appear at the pretrial hearing without good cause, forfeiture of bail may be ordered and the court may order a bench warrant for the arrest of the defendant if probable cause is established.

Prior to an assigned jury trial date, a readiness hearing shall be held. At such hearing, it shall be mandatory that the prosecuting authority, the defense counsel, and the defendant be present unless otherwise authorized by the court. At such hearing, the following matters will be concluded:

(a) Exchange of witness lists,

(b) Providing of any discovery not previously exchanged at the pretrial hearing, and,

(c) Motions on legal issues arising subsequent to the pretrial hearing based on new evidence or on matters related to the trial itself.

At the readiness hearing, the parties will inform the Court of any issues related to the jury trial date and raise appropriate motions related to the conduct of the trial.

Any continuance of the trial date after the readiness hearing, shall be authorized by the Judge. The clerk shall then set a new hearing date in the matter.

Failure of the defendant to be present at the readiness hearing may result in the issuance of a bench warrant for failure to appear, forfeiture of bail, and the striking of the jury trial date.

## 6.2

## WRITTEN JURY INSTRUCTIONS

Proposed jury instructions shall be submitted on plain paper with no mark identifying the attorney or party. The original, which shall be free of citations of authority, and one copy, with the citation of authority, shall be submitted to the court at the readiness hearing by each party. Copies of the original of each parties proposed jury instructions shall be emailed to the court clerk as a document that can be modified, before the trial date to facilitate changes to instructions by the Court during the jury trial.

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## 8.2
## MOTIONS - JUDICIAL COPIES

Judicial physical copies of all cases cited or relied upon, will be delivered to the Clerk of the Court at the time of the filing of the motion. Such judicial copies will be clearly marked as such, with the date and time of the hearing indicated.

To facilitate judicial preparation Judge's copies maybe sent by email so long as all parties are emailed copies at the same time.

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## 2.6
## SCHEDULING OF HEARINGS

(a) Mitigation. Mitigation hearings may be conducted based upon written statements or requests. Pursuant to IRLJ 2.6(c) the court is not required to notify the parties of a date for the examination of the mitigation request.

(b) Traffic Calendar. Infraction hearings shall be set on the traffic calendar unless a request for discovery has been made or the presence of the officer has been requested at which time the court date may be reset or set on the criminal calendar.

(c) Tracking with Criminal Offenses. If the respondent is also charged with a criminal offense arising out of the same incident as that which gives rise to an alleged civil infraction, the hearing on the infraction may be scheduled at the same time as any hearing set for a criminal matter.

(d) Infraction Continuances. A court clerk may grant one (1) request for a continuance via telephone. The continuance must be requested at least three (3) days prior to the scheduled hearing. Thereafter, all requests must be made in writing and will be approved only by the court and will be granted only where a clear showing of necessity has been made to the satisfaction of the court.

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## 3.1
## PRE-HEARING PROCEDURES

(a) Request For Subpoena. Any request for a subpoena to be issued by the court must be filed in writing at least fourteen (14) days before the hearing, or such lesser time as the court deems proper. The request may not be combined with a Notice of Appearance or any other pleading.

(b) Infractions Discovery. Discovery requests for material other than a copy of the infraction, the officer's report and the speed measuring device certification must be by written Motion and set for hearing to determine the relevance of such requests.

(c) Motions. Respondent's motions shall be made in writing and served on the Prosecutor for the City, and filed with the Clerk of the Court, at least fourteen (14) days before the infraction hearing. Untimely motions will be denied. Motions challenging the authority of the Court, the constitutionality

of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the suppression of evidence, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made with citations to authority and legal argument, and will be decided by the Court without oral argument, as per Washington State's IRLJ 3.5.

(d) Officer Witnesses. In any case where the City intends to call or to rely upon the sworn statement of a local law enforcement officer, the duty to provide a list of witnesses to the Respondent may be met by providing a copy of the citing officer's sworn statement on which the officer is identified.

(e) Dismissal by Suppression. No motion to dismiss or to suppress evidence for failure to provide discovery not required by IRLJ 3.1(b) may be heard by the Court unless the moving party has previously obtained an order from the Court compelling production of the additional discovery.

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## 6.6
## TELEPHONIC PROCEDURE AT CONTESTED HEARINGS

When any speed measuring device expert is requested to testify in a contested infraction hearing, the expert may testify by telephone, unless otherwise ordered by the court prior to the scheduled hearing date in response to a written motion, filed, noted, and heard prior to the date set for the contested hearing.

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## 7
## INFRACTION WITNESS FEE

Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. The party requesting the subpoena of a witness shall pay the witness fees and mileage expenses due that witness.

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## 8
## INFRACTION FINES - NO PROOF OF LIABILITY INSURANCE

If a person who has been cited with a violation of RCW 46.30.020 (failure to have proof of liability insurance) presents to the court clerk, by mail, email, or fax only, evidence that the person had in effect at the time of the citation liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five ($25.00) administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.

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