CHEHALIS MUNICIPAL COURT
COURT LOCAL RULES

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PREFACE

1. Promulgation. These rules shall be known as the Local Rules for Municipal Court of Chehalis, County of Lewis, 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 Chehalis. Copies of these rules will be distributed to all law offices in Lewis County and to the county Law Library for public reference. To the extent possible, these rules will be placed on the Internet at the Chehalis Municipal Court web page. Copies will be available from the Municipal Court Clerk for Chehalis. These rules will be effective on September 1, 2000, 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 theSupreme 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 abbreviation "CML",designating the rule as a Chehalis Municipal Local Rule and as being supplemental to the corresponding Washington Court Rule for Courts of Limited Jurisdiction.

3. Revisions and Additions (reserved).

CMLARLJ 1. SCOPE OF LOCAL RULES

These rules govern the procedure in the Municipal Court of Chehalis, County of Lewis, State of Washington. These rules are supplemental to the rules enacted by 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.

1. Appearance following arrest.

(a) Defendant having been arrested for Driving Under the Influence, RCW 46.61.50571, must appear in court on the earliest practicable day as defined herein.

(b) Earliest practicable day is defined as the next regularly scheduled court session.

CMLARLJ 2. DECORUM

1. 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.

CMLARLJ 3.
DECISION ON WRITTEN STATEMENTS

(a) Written Submissions: Traffic infractions may be heard by the Court on the basis of written documents submitted by the city and a defendant, as provided in IRLJ 2.4 (b) (4) and IRLJ 2.6. A written submission must be received by the court no later than seven (7) days prior to the scheduled date of the contested or mitigation hearing, or the submission will not be considered.

(b) Generally: The court shall examine the citing officer's report and any written documents submitted by the defendant. The examination shall take place within 120 days after the defendant files the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(c) Factual Determination: For purposes of a contested infraction hearing, the court shall determine whether the city has established, by a preponderance of all submitted evidence, that the defendant committed the infraction.

(d) Disposition: If the court determines that the infraction has been committed, it may assess a penalty amount, and any appropriate and permitted costs to be paid by the defendant.

(e) Notice to Parties: The court shall notify the parties in writing, whether an infraction was found to have been committed and what penalty, if any, was imposed.

(f) No Appeal Permitted: There shall be no appeal from a court determination based upon written statements.

CMLARLJ 4
VIDEO CONFERENCE PROCEEDINGS

1. Authorization: Preliminary appearances as defined by CrR 3.2 (B) and CrRLJ 3.2.1 (d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined by CrR 3.3 and CrRLJ 3.3 (f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to the rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Court. Any party may request an in-person hearing under this section, which may be in the Court's discretion, be granted.

2. Agreement: Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Court pursuant to this local court rule. For purposes of video conference proceedings, the facsimile signatures of the defendant, counsel, interested parties and the Court shall be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant

on Plea of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary

3. Standards: The judge, counsel, all parties, and the public must be able to see and hear each other during video proceedings, and may speak as permitted by the Court. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceedings must be conducted to assure that the interpreter can hear all participants.

CMARLJ 5
INFRACTIONS/FINES/NO PROOF OF LIABILITY INSURANCE

1. If a person who has been cited with a violation of RCW 46.30.020 (failure to provide proof of liability insurance) 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), 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.

CMLARLJ 6
SENTENCE MONITORING

1. Authorization: The municipal court, under authority of ARLJ 11, hereby establishes a procedure to monitor conditions of a suspended sentence. The court staff identified as working in this area is serving as an arm of this court, performing functions that this court could perform.

2. Agreement: Under the authority of ARLJ 11.1, this court authorizes the retention of appropriate staff with the title of Judicial Assistants for Sentence Monitoring. These staff shall be hired by the court to perform duties as specified by the court. In general, these judicial assistants shall receive referrals from the court with terms set forth in a court order or judgment and sentence. Among other duties, these judicial assistants shall receive information about compliance, determine whether timely and complete fines and costs have been paid, determine whether court ordered evaluations and treatments have been met, and meet with defendants at appropriate times.

Any defendant appearing in Chehalis Municipal Court who has any portion of his/her jail time suspended, any defendant who has been granted a deferred prosecution or deferred sentence, shall be monitored by the Judicial Assistant for Sentence Monitoring

Any defendant placed on the Chehalis Municipal Court Electronic Home Monitoring Program and/or the Community Service Program, shall be monitored by the Judicial Assistant for Sentence Monitoring.

CMLARLJ 7
PARK IN SPACE FOR INDIVIDUAL W/DISABILITY WITHOUT PLACARD/PLATE

If a person is charged with violation of city ordinance 10.08.090 or with RCW 46.19.050.4, for parking in a space for individuals with disabilities without placard or plate, as now enacted or hereafter amended, presents to the Court Clerk evidence that the person had in effect at the time of citation, the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder, as well as the placard's serial number, then the infraction shall be dismissed and the Court Clerk will be authorized to make the appropriate notation of the dismissal in court records.