Issaquah Municipal Court
Local Court Rules

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IMC 1
NOTICE OF APPEARANCE - INFRACTIONS

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the court and prosecutor no later than fourteen (14) court days prior to the hearing. Failure to provide such notice shall be grounds for continuing the case to the next available calendar when the prosecutor will be present.

(Effective September 1, 2008)
(Amended July 1, 2011)
(Amended July 1, 2013)

IMC 2
TIME FOR HEARING - OBJECTIONS TO DATE

A defendant who objects to the hearing date set by the court pursuant to IRLJ 2.6 shall file with the court and serve upon the city attorney a written motion for a new speedy hearing date. Such motion shall be filed and served no later than ten (10) days from the date of written notice of the hearing date. Failure to comply with this rule shall become a waiver of the objection.

(Effective September 1, 2008)

IMC 3
REQUEST FOR SPEED MEASURING DEVICE EXPERT - TESTIMONY BY PHONE

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. 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.

(Effective September 1, 2008)

IMC 4
SPEED MEASURING DEVICE EXPERT - COST TO BE PAID

Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151

(Effective September 1, 2008)

IMC 5
RELEASE OF ACCUSED - BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):

A Defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of $500 for a misdemeanor and $1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or domestic violence violations alleged under IMC 9.30.030.

2. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504.

3. Other Crimes: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:

(a) Assault in the fourth degree - RCW 9A.36.041
(b) Harassment - RCW 9A.46.020
(c) Placing a Person in Fear or Apprehension IMC 9.30.020
(d) Coercion - 9A.36.070
(e) Violation of an anti-harassment order - RCW 9A.46.040
(f) Stalking - RCW 9A.46.110
(g) Communicating with a minor for immoral purposes - RCW 9.68A.090
(i) Indecent Exposure and/or Public Indecency - RCW 9A.88.010
(j) Aiming or Discharge of a Firearm - RCW 9.41.230
(k) Inhaling Toxic Fumes - RCW 9.07.030

(Effective July 1, 2013)

IMC 6
MOTIONS

a. Time for Hearing

Motions shall be filed and served as follows:

1. Motion Requested at Time of Trial Setting: If a motion date is set at the same time the case is set for trial then the moving party's brief and all supporting documents shall be served on the opposing party and filed with the court at least 14 days before the date scheduled for the hearing.

2. Motion Requested at Time Other than at Trial Setting: If a motion is filed at any other time by either party, the moving party must file a note for motion, the moving party's brief, and all supporting documents at the time the motion is filed. The note for motion and supporting documents shall be served and filed with the court at least 21 days before the date requested for the hearing by the moving party.

b. Responsive Documents

The non-moving party's brief and all supporting documents shall be served and filed at least 7 days before the date scheduled for the hearing. The moving party's reply and all supporting documents shall be served and filed at least 2 days before the date scheduled for the hearing.

c. Motions to Shorten 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.

d. Agreed Orders

Where appropriate, agreed orders will be considered by the court at the earliest possible date.

e. Proof of Service

The parties must file suitable proof showing that the opposing party was served with the documents filed by the party.

(Effective July 1, 2013)

IMC 7

Presence Of The Defendant - Video Conference Hearings

All in-custody arraignments, bail hearings, and trial settings will be conducted via video conference pursuant to CrRLJ 3.4. Consent to proceed via video conference will be implied for all other hearings, excluding trial, unless an objection is made before or during the hearing to proceeding in this manner. However, this consent will not be implied if the defendant is not accompanied or represented by counsel at the hearing.

(Effective July 1, 2013)

IMC-CRLJ 10
FORM OF PLEADINGS - STYLE AND FORM - FACILITATING PROOF OF SERVICE AND FILING OF PAPERS

(a) 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: "Clerk's Action Required". The action to be taken must be stated either next to the special caption or in the first paragraph on the first page. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include or provide for the following, unless otherwise authorized by the court:

(1) Service and Filing. Space should be provided at the 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 acknowledgement 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.

(2) 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.

(c) 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 Municipal Court in the order received.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

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SPACE FOR SERVICE        /    SPACE FOR COURT FILING
PROOF                    /    STAMP
                         /


   IN THE MUNICIPAL COURT FOR THE CITY OF ISSAQUAH,
           KING COUNTY, STATE OF WASHINGTON


_________________________,     )
                               )    CAUSE NO.  XXXXXXXX
          Plaintiff,           )
                              )    CLERK'S ACTION REQUIRED:
                              )   (note action required here or
                              )    in first paragraph)
                              )
     vs.                      )
                              )    MOTION  TO SET REVIEW
_________________________,    )
                              )
          Defendant           )
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CLERK'S ACTION REQUIRED: (note action required here or in caption).

(Effective January 1, 2005)

IMC-CrRLJ 1.5
STYLE AND FORM

The format requirements for papers being filed with the court shall be as specified in CrRLJ 1.5 and IMC-CRLJ 10.

(Effective January 1, 2005)

IMC-CrRLJ 3.4(d)
VIDEO CONFERENCE PROCEEDINGS

RESCINDED

(Adopted effective January 1, 2005; Rescinded July 1, 2013)

IMC-IRLJ 3.5
DECISIONS ON WRITTEN STATEMENTS.

(a) Request for Decision on Written Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5 and IMC-IRLJ 3.5. A defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statements shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct," and shall be in substantially the following form:

Name of Defendant:
Address:
Infraction Number (upper right corner of citation):
Violation Date:

I wish to mitigate the infraction
I wish to contest the infraction

Statement:

_____
_____
_____
_____
_____
_____
_____

I declare under penalty of perjury under the laws of the state of Washington that the above information is true and correct.

Executed this ___ day of _____, 20__

at _____ (city/state).

_____
Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(d).

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

(Effective January 1, 2005)