Kirkland Municipal Court
Local Court Rules

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KMCLGR-1
COURTROOM DECORUM

A. PHOTOGRAPHY, RECORDING, TELEVISING, BROADCASTING

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceeding and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as provided in this rule.

As used herein, "judicial proceeding" means: (1) any hearing required to be held "on the record" by Supreme Court rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing hearings, post-conviction relief hearings, mitigation and contested hearings; (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro-tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include witnesses, jurors, judicial officers and court employees.

"Courtroom" of the Kirkland Municipal Court means the courtroom itself, witness or jury rooms, and any location where civil infraction proceedings are conducted.

"Environs" means any area located within the interior confines of the Kirkland Municipal Courthouse, including but not limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms and lobbies therein including probation or other offices.

B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or

silenced. No phone calls or text messages shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

C. EXCEPTIONS

1. The following exception applies to sections A and B above:

a) Court, probation or law enforcement personnel conducting official business.

2. With the consent of the courtroom's judicial officer, or the presiding judge of the court, the following exceptions may be granted to sections A and B above:

a) News media conditions and limitations as addressed in GR 1

b) Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture;

c) For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security;

d) For the purposes of judicial administration;

e) As otherwise authorized by the court.

(Effective September 1, 2011)

KMCLGR 2
Judicial Signatures

Judicial officers may sign orders with a digital signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the judicial officers and so long as the electronic signature is protected so that it cannot be electronically copied.

The printed version of these documents shall constitute an original order and shall be placed in the court file. This rule may be amended or supplemented during the year by general order.

[Adopted effective September 1, 2013]

KMCLR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7.

[Adopted effective September 1, 2001]

KMCLR 2
TITLE OF RULES

These rules may be known and cited as the Kirkland Municipal Court Local Criminal Rules. The criminal rules shall be referred to as KMCLR.

[Adopted effective September 1, 2006]

KMCLR 3
PRESIDING JUDGE

The Presiding Judge shall conduct duties of the office pursuant to GR 29.

[Adopted effective September 1, 2006]

KMCLR 4
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 _______________,
           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).

(Adopted effective September 1, 2006)

KMCLR 5
Bail Forfeitures for Specific Crimes

RESCINDED

[Adopted effective September 1, 2006; Amended effective September 1, 2012]

KMCLR 6
BAIL/ DOMESTIC VIOLENCE NEW OFFENSES

When required to reasonably assure appearance in Court for those persons arrested and detained in jail for new offenses, bail shall not be set for accused persons arrested for new offenses involving domestic violence, violation of a court ordered no contact order or protection order, or violation an anti-harassment order, except at the preliminary appearance or arraignment.

[Adopted effective September 1, 2006]

KMCLR 7
PRE-TRIAL AND READINESS HEARINGS.

(a) Unless otherwise ordered by the Court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing.

(b) (1) The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the Court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bail/bond. In the event of a disposition, the parties shall execute the appropriate documents for the Judge to consider the matter on the record.
(2) In cases that proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motion hearing(s) shall be binding on the parties and shall not be re-litigated at trial. Any motion not identified at pre-trial may be deemed waived unless otherwise allowed by the Court. Counsel shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.

(c) The Court shall assign dates and give written notice to the parties for motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings after consultation with all counsel. Other factors, such as witness availability, shall also be considered.

(d) (1) A jury call/readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the Court in a particular case for good cause shown. This calendar will be held during the week prior to the scheduled jury trial. The defendant shall be required to attend this hearing unless excused by the Court. Failure to attend the readiness hearing may result in the issuance of a bench warrant, the case being stricken from the month's jury calendar, and/or forfeiture of bail/bond.
(2) A request for a jury trial date constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.

(e) A Jury trial must be confirmed by the defendant, or defense council, or prosecuting attorney by notifying the court at or before 1:30 p.m. the court day prior to trial. Failure to do so may result in witness or jury costs being imposed.

[Adopted effective September 1, 2006]

KMCLR 8
DEFENSE CONTINUANCES

A request for continuance must be made either by the defendant or defendant's attorney 48 hours before the scheduled hearing. Only the following hearings are eligible for a one-time continuance by the clerk:

1) Non-Prosecutor Contested Hearings

2) Non-DV and Non-DUI Arraignments

3) For a first time continuance of a Pre trial hearing, the Court will require an agreed motion to continue, filed with a speedy waiver if applicable at least 48 hours before the scheduled hearing. Upon receiving the agreed order and/or waiver, the clerk will reschedule the hearing.

If a motion for continuance is received and it is not agreed, the clerk will file the motion in the court file. The motion to continue will be determined by the Judge at the scheduled hearing.

[Adopted effective September 1, 2006]

KMCLR 9 PETITIONS FOR DEFERRED PROSECUTION

Petitions for deferred prosecution submitted pursuant to RCW 10.05 shall include a waiver of jury trial signed by the defendant and counsel, if any. Such petitions shall be presented to the Prosecutor and the Court no later than seven days prior to the time the Court is requested to grant the order. The petition shall include the petition, appropriate assessment, treatment plan, and proposed order.

[Adopted effective September 1, 2001]

KMCLR 10
REQUIREMENTS FOR PAYMENT OF JURY FEES

(a) If a defendant requests a jury trial, and does not waive his or her right to a jury trial within 24 hours prior to the scheduled trial or otherwise notifies the Court that the jury trial will not proceed, and the Court incurs the expense of summing the jurors, the defendant may be responsible for payment to the Court in the amount of costs incurred.

(b) If a jury trial is scheduled and the prosecutor does not notify the court within 24 hours the jury trial will not proceed due to known evidentiary problems, and the Court incurs the expense of summing the jurors, the Prosecutor may be responsible for payment to the Court in the amount of costs incurred.

[Adopted effective September 1, 2006]

KMCLR 11
CONFIRMATION OF JURY TRIAL

Both parties shall confirm with the Court Clerk whether or not a case set for jury trial is going to be tried to a jury no later than 1:30 p.m. on the court day preceding the date

that the case is set for jury trial. Failure to confirm may result in the imposition of sanctions against either or both parties, pursuant to KMCLR 10.

[Adopted effective September 1, 2006]

KMCLR 12 REQUIREMENT FOR PAYMENT OF ADMINISTRATIVE PROBATION FEES

The Court may impose an administrative probation fee up to the maximum fee permitted under the current state statute.

[Adopted effective September 1, 2001]

KMCLR 13
REQUIREMENT FOR PAYMENT ON COURTESY WARRANT CALENDAR

A defendant, who has been charged with a criminal violation and has an outstanding warrant in the Kirkland Municipal Court, may request to have the matter head on the weekly walk-in warrant calendar. The following terms and conditions shall apply:

Bench warrant amount is $1-1,000:

Option 1:
Pay $100 bench warrant fee. Bench warrant will be quashed and hearing will be set by the clerk of court.

Option 2:
Turn him/herself into the Kirkland Jail

Bench warrant amount is $1,001 - $5,000:

Option 1:
Post cash bail in the amount of 10% of bench warrant amount ($100 of this amount will be put towards bench warrant cost.) Bench warrant will be quashed and hearing on next available walk-in calendar will be scheduled.

Option 2:
Pay $100 bench warrant fee. Bench warrant will remain active and hearing on next available walk-in calendar will be scheduled

Option 3:
Turn him/herself into the Kirkland Jail

Bench warrant amount is greater than $5,000

Option 1:
Post cash bail in the amount of 100% of bench warrant amount ($100 of this amount will be put towards bench warrant cost.) Bench warrant will be quashed and hearing on next available walk-in calendar will be scheduled.

Option 2:
Pay $100 bench warrant fee. Bench warrant will remain active and hearing on next available walk-in calendar will be scheduled

Option 3:
Turn him/herself into the Kirkland Jail

[Adopted effective September 1, 2009]

KMCLR 14
VIDEO CONFERENCE PROCEEDINGS

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such

proceedings shall be deemed held in open court and in the defendant's presence for the purpose of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Kirkland Municipal Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.

(2) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by 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 Kirkland Municipal Court judge, judge-pro tem or court commissioner.

(3) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d)(3).

(Adopted effective September 1, 2006)

KMCLR 15
SENTENCING

RESCINDED - September 1, 2006

KMCLR 16 WITHDRAWL OF COUNSEL

Counsel for the defendant may not withdraw from a pending criminal matter without authorization by the Court. Counsel’s failure to appear for any hearing without prior authorization from the Court may result in sanctions being imposed against counsel at a show cause hearing.

[Adopted effective September 1, 2001]

KMCLR 17
RESTITUTION

Where the Court orders that a defendant pay restitution, but does not set an amount at the time of disposition, the prosecuting attorney shall, within 60 days, file with the Court a proposed amount, with documentation in support thereof. The Prosecutor shall mail to the defendant's last known address the proposed amount, with copies of the supporting documents. If the defendant wishes to contest the proposed amount, the defendant shall file with the Court an objection within 30 days of the date of the proposed amount was mailed to the defendant's last known address. Upon receipt of an objection by the Court, the Court shall schedule a restitution hearing, and shall send notice to the Prosecutor and the defendant. If the defendant does not object, the proposed amount shall be entered as a judgment.

[Adopted effective September 1, 2006]

KMCLR 18 REQUIREMENTS FOR PAYMENT FOLLOWING IMPOSITION OF FINES, COSTS, ASSESSMENTS AND FORFEITURES

(a) Upon imposition of a fine, cost, assessment or forfeiture for a criminal charge filed with the Kirkland Municipal Court, absent extenuating circumstances, the defendant shall make payment in full at the time of imposition.

(b) Payment agreement may be authorized upon permission from the Court. The authorization of a payment agreement shall be subject to the conditions set at the time of the order.

(c) Failure to make payment pursuant to the agreement shall be enforceable pursuant to otherwise applicable Court rules, state law or administrative code regulations.

[Adopted effective September 1, 2001]

KMCLR 19 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COSTS OF AMOUNTS PAID FOR COLLECTION SERVICES

(a) The Court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Kirkland and said collection agency, and may be subsequently amended.

(b) The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a Court cost to the total judgment of the Court against each defendant whose account is referred by the Court to the collection agency.

[Adopted effective September 1, 2001]

KMCLIR 1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to IRLJ 1.3.

[Adopted effective September 1, 2001]

KMCLIR 2
TITLE OF RULES

These rules may be known and cited as the Kirkland Municipal Court Infraction Local Rules. The infraction rules shall be referred to as KMCLIR.

[Adopted effective September 1, 2006]

KMCLIR 3 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

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.

[Adopted effective September 1, 2001]

KMCLIR 4
DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement or E-mail. If the defendant submits a timely request for a hearing to contest or mitigate an infraction,

the defendant may elect to seek a decision or request for Deferred Finding on written statement, or email, pursuant to the provisions of IRLJ 3.5 and KMCLIR 4. A defendant who elects to contest or mitigate an infraction by decision on written statement or email shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

In the case where a defendant requests or petitions for a Deferred Finding which is denied by the court, will be treated as a request for a mitigation hearing on written statement or email.

(b) Time for Submitting Request for Decision on Written Statement or E-mail. The request for a decision or request for a Deferred Finding by written statements or email shall be submitted no later than the scheduled hearing time or they will not be considered.

(c) Declaration for Written Statement or E-mail Required. A defendant wishing to proceed by decision or request for Deferred Finding on written statement or email shall provide a written statement or email which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement or email 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 request a Deferred Finding [ ]
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 or email shall be submitted at the same time as the request for decision on written statement or email.

(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)-(b).

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

[Adopted effective September 1, 2001; Amended effective September 1, 2011]

KMCLIR 5 - NOTICE OF APPEARANCE REQUIRED FOR CONTESTED HEARINGS

Attorneys appearing on behalf of clients shall file a Notice of Appearance with the Court and Prosecutor no later than 3 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.

[Adopted effective September 1, 2002; Amended adopted effective September 1, 2007]

KMCLIR 6
PROOF OF INSURANCE

If a defendant who is charged with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.20, and that defendant presents satisfactory evidence that they have obtained valid insurance to the Clerk of the Court within 15 days of the date of the citation, for the vehicle the defendant was operating on the day he/she was cited, then the bail for the offense shall be reduced to $250.00.

If, within fifteen (15) days of the date of the citation, the defendant presents satisfactory evidence of valid insurance being in effect at the time the citation was issued, then the offense shall be dismissed upon payment of the $25.00 administrative fee. "Satisfactory evidence" shall mean 1) written identification card from the insurance company, and 2) proof that the defendant was insured to drive the vehicle s/he was operating at the time of the violation. If the defendant is not named on the insurance card, the defendant must provide: (a) a copy of the policy verifying the defendant is noted as a named insured on the policy; (b) a copy of the policy showing who is covered (i.e. that it covers all other drivers who operate the vehicle with the permission of the owners); or (c) a letter from the insurance agent clearly stating that the defendant would have been covered under the policy provisions on the date charged.

(Adopted Effective September 1, 2006; Amended adopted effective September 1, 2011)

KMCLIR 7 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARING

(a) If a defendant who has been charged with a traffic or other infraction filed with the Kirkland Municipal Court is found to have committed that infraction, absent extenuating circumstances, the defendant shall make payment in full of the amount of the penalty at the time of the hearing in which the defendant was found to have committed the infraction.

(b) Payment agreements on infractions may be authorized upon permission from the Court upon timely request. The authorization of time payments in infraction cases shall be subject to the conditions set at the time of the order authorizing time payments.

(c) Failure to make payment on the penalties on the committed infractions shall be enforceable pursuant to otherwise applicable Court rules, state law or administrative code regulations.

[Adopted effective September 1, 2001]

KMCLIR 8
TIME FOR HEARING - OBJECTIONS TO DATE

The Court shall follow the provisions of IRLJ 2.6.

[Adopted effective September 1, 2006]

KMCLIR 9
DRIVING WITHOUT A LICENSE

If a defendant who is charged with driving a motor vehicle without having a valid driver's license issued to Washington residents pursuant to RCW 46.20, and that defendant presents valid license proof to the court clerk, then the fine for the offense shall be reduced to $250.

[Adopted effective September 1, 2006]

KMCLIR 10
INFRACTION PREHEARING CONFERENCE

RESCINDED - September 1, 2011