LOCAL COURT RULES
YAKIMA MUNICIPAL COURT

Table of Rules

Administrative

YMLAR 1.1 Preamble
YMLAR 1.2 Citation
YMLAR 1.3 Place of Court
YMLAR 1.4 Sessions
YMLAR 1.5 Order of Docket
YMLAR 1.6 Office Hours
YMLAR 1.7 Probation Department
YMLAR 1.8 Judges Pro Tempore
YMLAR 1.9 Filing of Attorney Certification
YMLAR 9 Disclosure of Records

Rules for Appeal

YMLRA 6.3 Transcription or Copies of Recording

Civil Rules

YMLCR 1A CRLJ Adopted

Criminal Rules

YMLCrRLJ 2.5 Procedure on Failure to Obey Citation and Notice
YMLCrRLJ 3.1(e) Withdrawal of Lawyer
YMLCrRLJ 3.2 Release of Accused
YMLCrRLJ 3.3 Time For Trial
YMLCrRLJ 3.4 Mandatory Appearance
YMLCrRLJ 4.1 Arraignment
YMLCrRLJ 4.2 Pleas
YMLCrRLJ 4.11 Status Conferences
YMLCrRLJ 4.12 Stipulated Orders of Continuance
YMLCrRLJ 8.2(a) Motions

Infractions

YMLIR 2.4 Response to Notice
YMLIR 2.6 Scheduling of Hearings

YMLAR 1.1
PREAMBLE

These local rules for Criminal matters, Infractions and Appeals are assembled and numbered to conform with the numbering system and format adopted by the Supreme Court of the State of Washington as required under GR 7. These rules supplement CrRLJ, ARLJ, CRLJ, and IRLJ.

YMLAR 1.2
CITATION

These Rules should be cited as YMLAR, YMLCrRLJ, YMLCR, or YMLIR.

YMLAR 1.3
PLACE OF COURT

Unless otherwise ordered, the Court shall sit in the Courtrooms of the Yakima Law and Justice Center, 200 South Third Street, Yakima, Washington. The clerk's office shall be at the Yakima Law and Justice Center, 200 South Third Street, Yakima, Washington.

YMLAR 1.4
SESSIONS

Regular Court sessions shall be held every weekday, Holidays and Court Holidays excluded.

YAR 1.5
ORDER OF DOCKET

(a) During regular sessions, the docket shall be posted and available from the clerk of the Court, except as modified from time to time by the Court or except as provided by YMLAR 1.5(b).

(b) Suppression motions pursuant to CrRLJ 3.5 and/or 3.6 may be specially set by the Court so as to minimize the impact on regular court business. Such motions shall be heard on the second and third Monday afternoon of the month or any other time designated by the judge hearing the motion. Before noon on the Wednesday before the motion hearing, the prosecutor, defense attorney or the defendant, if appearing pro se, shall confirm the motion, or advise that some other type of disposition has been reached, to the clerk of the court by written mailed confirmation, attorney messenger service or faxing the court. Confirmation must be received by the noon deadline to be effective.

(c) Civil matters, other than infractions, may be set on a docket designated to accommodate the parties.

(d) For good cause shown, the Court may set any matter at other times and days.

YMLAR 1.6
OFFICE HOURS

The Clerk's Office shall be open to the public and a clerk or assistant in attendance at the public window on every regular judicial day from 9:00 a.m. to 11:00 a.m. and 1:30 p.m. to 3:30 p.m. Due to the ongoing and unstable nature of the budget and economy, the public window hours may be adjusted upon determination of the presiding judge. Office hours shall be 0800 until 1600 each judicial day.

YMLAR 1.7
PROBATION DEPARTMENT

Probation services are provided in conjunction with Yakima County Probation Services.

YMLAR 1.8
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.

YMLAR 1.9
FILING OF ATTORNEY CERTIFICATION

To assure compliance with CrR 3.1/CrRLJ 3.1/JuCR 9.2, those attorneys who have been appointed as counsel in a criminal case shall file a signed certification of compliance with Applicable Standards with the Yakima Municipal Court Services Manager on a quarterly basis. The certification shall state what percentage of the attorney's practice is devoted to indigent defense. The certification shall also state that the attorney is familiar with the applicable Standards adopted by the Supreme Court

for attorneys who are appointed to represent the indigent., including basic qualifications, office, investigators and caseload. An attorney shall immediately notify Yakima Municipal Court in the event he/she fails to maintain compliance with CrR 31./CrRLJ 3.1 or JuCR 9.2.

YMLAR 9
DISCLOSURE OF RECORDS

(g)(1) The following records and files are deemed confidential:

a. Affidavits, transcriptions or electronic records for search warrants prior to the return of service of such warrant;

b. Affidavits, transcriptions or electronic records for arrest warrants prior to the return of service of such warrant;

c. Pre-sentence or after-sentence investigation reports;

d. Mental health, psychiatric and medical reports and records;

e. Alcohol, drug and controlled substance evaluations;

f. Deferred Prosecution Petitions and Stipulations;

g. Certified copies of driving and criminal records unless duly admitted into evidence; and

h. Judge's notes and working documents, whether written or electronic.

(g)(2) Access to confidential records is strictly limited to persons or entities authorized by statute or Court order to obtain such records.

(g)(3) Requests for access to Court Records shall be made in writing in the form provided by the Court, and shall be grignted or denied by the designated public disclosure clerk, subject to review by the judge, who shall state reasons for denial in writing. Any person objecting to such denial of access may file a motion for reconsideration along with a supporting affidavit.

(g)(4) Costs of copying and transcription shall be borne by the person or entity requesting any copies. Unless otherwise ordered by the Court, copy costs shall be as follows:

a) Preparing a certified copy of an instrument on file or of record in the clerk's office: $5.00 for the first page or a portion of the first page and $1.00 for each additional page;

b) Authenticating, exemplifying an instrument or document: $2.00 for each additional seal affixed;

c) Preparing a copy of an instrument or document on file or of record without a seal: .50 cents per page;

d) Copying a document without a seal or that is in an electronic format: .25 cents per page;

e) Copies made on a CD: $20.00 per CD;

f) Receiving faxed documents authorized by court rules: up to $3.00 for the first page and $1.00 for each additional page; and

g) Exceptionally lengthy or time-consuming requests for services: up to $20.00 per hour or portion of an hour.

(g)(5) No documents or electronic data may be removed from the court office, chambers, court room, except for storage, without prior written order of the Court.

YMLRA 6.3
TRANSCRIPTION OR COPIES OF RECORDING

On appeal, the appellant shall make a written request for transcription or duplicates of CDs, and shall specify the name and number of the case and the date of trial. Unless waived by statute, constitutional provision, or the Court, duplicates of tapes and of any log or index thereto shall not be delivered until full payment of the actual preparation costs as determined by the Court Administrator.

YMLCR 1A
CRLJ ADOPTED

Except as modified by these rules from time to time, the Washington Civil Rules for Courts of Limited Jurisdiction shall apply to all civil actions filed and tried in Yakima Municipal Court, with the exception of traffic and other infractions, which are governed by YMLILRJ.

YMLCrRLJ 2.5
PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE

The court may order an issuance of a bench warrant for the arrest of any defendant who has failed to appear before the court, either in person or by a lawyer, in answer to a citation and notice, or the order of the court, upon which the defendant has promised in writing to appear, or of which the defendant has been served with or otherwise received notice to appear, if the sentence for the offense charged may include confinement in jail.

(a) Warrant Costs. The maximum warrant preparation fee permitted under RCW 10.01.160 shall be assessed whenever the court orders a warrant based upon a defendant's failure to appear for any mandatory court appearance on a jailable offense. The fee shall include any costs for service of the warrant and may be waived only if the defendant is later acquitted.

(b) Quashing Warrants. The court, in its discretion, may quash a failure to appear warrant under the following circumstances:

(1) Unless specifically prohibited by the court at the time the warrant was ordered, the defendant may personally appear at the clerk's office and pay the amount of the warrant fee in cash. The defendant shall then personally sign a promise to appear at a hearing no later than the next available judicial day. The court will determine the appropriate conditions for the defendant's continued release at that hearing which may include a requirement that the defendant be detained in lieu of bail; or

(2) If the defendant establishes good cause for the failure to appear in a document sworn under oath or otherwise, the court may hear a motion to quash the warrant without requiring payment of the warrant fee in advance. Inadvertence or oversight by the defendant or defense counsel shall not constitute good cause for failure

---

YMLCrRLJ 3.1(e)
WITHDRAWAL OF LAWYER

(e) Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty days following a final decision of the court as defined in RALJ without need to file any document with the court.

YMLCrRLJ 3.2
RELEASE OF ACCUSED

(n) Domestic Violence Cases. A defendant arrested on domestic violence offences shall be detained without bail until arraignment on the next judicial day. Standard bail for domestic violence cases after arraignment shall be $1,000, but the court may reduce or increase the amount of bail in an individual case giving due consideration to the factors specified in CrRLJ 3.2.

(o) Yakima Municipal Court elects not to adopt the bail schedule set forth in CrRLJ 3.2 (o-u). Yakima Municipal Court's bail schedule may be located in the clerk's office and is available for viewing upon request. The bail schedule is intended as a guideline and may be revised from time to time in the interest of justice.

(r)(i) Cash deposited as bail is presumed to be the property of the accused regardless of who actually made such deposit. Such bail may be forfeited or applied to any fines and assessments.

(p)(i) A bailor may request a hearing pursuant to these rules by filing a request in person and in writing with the clerk of the court within 30 days of the entry of the order forfeiting such bail. Such bailor shall have the burden of proving by a preponderance of evidence that the bail was either unjustly forfeited or that the funds were neither the property of nor a gift to the defendant.

(p)(ii) At such hearing, the Court may consider written evidence, properly presented, such as promissory notes or loan statements, but such evidence alone shall not be deemed decisive.

YMLCrRLJ 3.3
TIME FOR TRIAL

(k) Scheduling. Each criminal case set for trial shall be scheduled for a status conference before trial. Failure of the Defendant to appear at the status conference shall be grounds for striking any trial date and issuance of a warrant for the Defendant's arrest. Defendants who appear at the status conference but who have failed to make necessary contact with counsel prior to the status conference may be detained in lieu of bail to

facilitate future contact and terms may be imposed upon such a defendant as a condition for a continuance necessary to facilitate contact between attorney and client. The court may continue the case pursuant to CrRLJ 3.3(d)(1).

YMLCrRLJ 3.4
MANDATORY APPEARANCE

(d) Defendants under the age of eighteen years should be accompanied by a parent or guardian at the time of any court appearance, and the Court may continue any proceeding to obtain the attendance of the parent or guardian.

(e) All defendants must be present at arraignment, status conferences, suppression hearings, trial or other hearings, except the Court may, upon filing of a written notice of appearance as provided under CrRLJ 4.1(d) by an attorney admitted to practice in the State of Washington, and upon such condition as the Court may deem necessary and as provided by YCrR 4.1, waive attendance at arraignment, or hearings on motions for continuance.

YMLCrRLJ 4.1
ARRAIGNMENT

(e)(i) The defendant's personal presence is mandatory when the charging document states that one or more of the charges involves domestic violence. This requirement shall not be waived.

(f) Deferred Prosecution. A Petition for Deferred Prosecution and Order Deferring Prosecution may be considered by the Court if it meets the statutory requirements.

(1) Defendant must include the cause/citation number for each Petition for Deferred Prosecution and proposed Order Deferring Prosecution for on which Deferred Prosecution is sought.

(2) Defendant must file copies of all offense reports and related materials, including, but not limited to, breath test printouts, blood test results, abstracts of the defendant's driving record, evaluation and treatment plan at the time the Petition and Order for Deferred Prosecution are filed. Defendant must file a sufficient number of copies of the aforementioned documents for the Court file of each cause/citation number, probation and treating agency. Defendant shall also provide copies of the Petition, proposed Order, evaluation and proposed treatment plan for review by the Prosecuting Authority.

YMLCrR 4.2
PLEAS

(i) A guilty plea may be entered at any time, provided that in cases wherein a defendant is represented by an attorney, not less than one day actual notice of such plea shall be given to the City, and provided further that a defendant may, at any hearing or trial scheduled in the case, enter a plea of guilty with or without notice.

YMLCrRLJ 4.11
STATUS CONFERENCE

(a) The clerk of the Court shall set a status conference for every case set for trial.

(b) The status conference shall be for determination of the actual readiness of the parties for trial.

(c) At or prior to the status conference, the parties shall:

(1) State the theories of the case, identify any possible motions, identify any issues regarding discovery, disclose the names and contact information for any witnesses planned to be called at trial, and inform the court regarding the necessity of scheduling an interpreter.

YMLCrRLJ 6.1.1
TRIAL BY JURY

(e)(1) Any case confirmed for jury trial by both parties at the disposition hearing shall remain set for a jury trial.

(e)(2)(i) Before noon on the Tuesday before the disposition hearing, the prosecutor, the defense attorney or the defendant, if appearing pro se, shall confirm the jury trial to the clerk of the court or advise that some other disposition has been reached by written mailed confirmation attorney messenger service or by faxing the court. The confirmation must be received by the noon deadline to be effective.

(e)(2)(ii) Failure of a party to confirm the jury trial as required shall cause the case to be stricken as a jury trial.

(f) Except for good cause shown, any case confirmed for jury trial and not proceeding to a jury trial as scheduled, unless such delay is the result of jury trial priority, shall be subject to terms, including costs for an unused jury of not less than $250.00, witness fees, and other terms deemed appropriate by the Court.

(g) Scheduled and confirmed jury trials shall proceed and be called according to the priority of speedy trial limits. In the event of more than one jury trial being scheduled and confirmed, cases having a lower priority shall be set as trailing, to be called as soon as possible that day or the next available judicial day.

(h) Upon settlement of a case scheduled for jury trial prior to the confirmation/settlement deadline provided according to these rules, the parties shall notify the Court in writing, to strike the jury.

YMLCrRLJ 8.2(a)
MOTIONS

(1) Any party may note a matter on the motion docket in conformance with CrRLJ 7(b) and these rules.

(2) All requests for other hearings other than motions shall state the purpose of the hearing requested, and shall be accompanied by supporting documents and in the case of legal argument, a statement of authorities. Any request for such hearings shall fully comply with time and notice requirements of these rules.

(3) Motions to extinguish or modify orders for protection shall be made in writing on the forms provided by the clerk of the court or by formal pleading. The motion shall only be made by counsel, the victim or the alleged victim and shall be served upon all parties within five business days prior to the hearing.

YMLIR 2.4
RESPONSE TO NOTICE

(b)(5) Written responses to mitigate an infraction or request a deferred finding, pursuant to RCW 46.63.070(5), may be permitted.

(b)(6) Upon request of the defendant, the clerk shall provide information so that the defendant may comply with this requirement. The defendant must respond within fifteen (15) days of the date the infraction was personally served or within eighteen (18) days of the date the notice was mailed. Responses by mail must be post marked within 15 days of personal receipt or 18 days of the date the notice was mailed.

(d) An attorney appearing on behalf of a defendant shall file and serve a written notice of appearance, which notice shall be substantially in the same form as the notice of appearance in a criminal case.

(e) A request for a speed measuring device expert (SMD) shall be made in writing and served upon all parties within fourteen (14) days prior to the contested hearing. The court shall set a hearing to include the SMD expert in accordance with the SMD expert's schedule.

YMLIR 2.6
SCHEDULING OF HEARINGS

(a)(3) Hearings on infractions may be scheduled at the same time as hearings or trials on criminal matters arising out of the same occurrence. Multiple infractions arising out of the same occurrence may be heard at the same time, whether denoted as mitigation or contested.