# LIRLJ 3.1
## CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(a)(1) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) Speed Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

(4) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees, as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness. 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.