

Rule 2.6
Infraction Pre-Hearing Conference

(a) Pre-hearing Conference Required - Waiver. A defendant charged with an infraction who requests a hearing to contest the infraction shall first appear at a pre-hearing conference, in which motions, not witnesses will be heard. The pre-hearing conference shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i). If the defendant does not intend to bring any pre-hearing motion, the requirement that the defendant appear at the pre-hearing conference may be waived by the defendant in writing; provided the waiver is received by the court before the time set for the pre-hearing conference. If the defendant does not appear for the pre-hearing he is deemed to have waived his right to bring any pre-hearing motions, and the infraction will be set on the next contested hearing date. In waiving the pre-hearing conference, the defendant shall complete a waiver form approved by the court. In the event that the defendant submits a waiver in a form other than that approved by the court, said waiver shall be ineffective unless it is in substantial compliance with the same format hereinafter set forth.

(ii) Setting Contested Hearing. If the infractions are not resolved following the pre-hearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference. If the pre-hearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the pre-hearing conference is received by the court.

(iii) Pre-hearing Motions For Contested Infractions "Written Notice Required" Time Limits For Oral Argument. All motions, including the cited authority(s), to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the pre-hearing conference. If a defendant elects to waive his or her appearance at the pre-hearing conference, any motion, including the cited authority, must be noted on the waiver form filed with the court pursuant to IRLJ 2.6(a). Any motion(s) not timely filed shall be waived and shall not be considered by the court.

All motions timely noted shall be addressed by the court at the time of the contested hearing. Unless otherwise ordered by the court, parties shall have a total of ten (10) minutes each to argue and/or respond to motions before the court. Any argument in support of, or in response to, motions before the court that will require more than ten (10) minutes to present shall be submitted in brief form.

