KMC-IRLJ 2.6
INFRACTION - PREHEARING CONFERENCE

(a) Prehearing Conference Required - Waiver. A defendant charged with an infraction who requests a hearing to contest the infraction shall first appear at a prehearing conference. The prehearing conference shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i). The requirement that the defendant appear at the prehearing conference may be waived by the defendant, in writing, provided the waiver is received by the court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered. In waiving the prehearing 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 court approved form.

(b) Waiver of Prehearing Conference Constitutes a Waiver of Opportunity to Seek Deferral of Infraction. A defendant who waives his or her presence at the prehearing conference shall not be entitled to seek deferral of the infraction(s) charged.

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

(d) Prehearing Motions For Contested Infractions - Written Notice Required - Time Limits For Oral Argument. All motions to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the prehearing conference. If a defendant elects to waive his or her appearance at the prehearing conference, any motion must be noted on the waiver form filed with the court pursuant to KMC-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.

(Effective September 1, 2002)