

**COLUMBIA COUNTY DISTRICT COURT
STATE OF WASHINGTON
LOCAL RULES**

ADMINISTRATIVE RULES

LARLJ 1- Scope of Rules

These local rules have been adopted under applicable provisions of the Washington Court Rules promulgated by the Washington State Supreme Court. These rules supplement ARLJ, CRLJ, RALJ, CrRLJ, IRLJ and RALJ in accordance with RCW 3.30.080 and GR 7. Insofar as practicable, the Washington Court Rules are not repeated and the user of these Local Rules should refer to the pertinent rule as adopted by the Supreme Court. The court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion.

LARLJ 2 – Presiding Judge

The Court shall be managed by the Presiding Judge. So long as there is only one elected Judge, that judge shall be the Presiding Judge. The Presiding Judge may appoint Judge(s) Pro Tempore.

LARLJ 3 - Judge Pro Tempore

Judge Pro Tempore shall serve at the pleasure of the Presiding Judge and under the direction of the Presiding Judge.

LARLJ 4 – Appearance of Participants.

- (a) All participants shall physically appear for court proceedings unless a statute, court rule, or order of the court permits a remote appearance or appearance through counsel.
- (b) Interpreters may appear remotely or may be required to physically appear for good cause shown.
- (c) Participants permitted to remotely appear or appear through counsel may be required to physically appear for good cause shown.
- (d) Participants required to physically appear may be permitted to remotely appear or appear through counsel in the discretion of the court.

GENERAL RULES

LGR 1. Electronic Filing

- (a) Electronic filing (“eFile”) authorization, charges, exceptions, waiver and non-compliance.

1. Mandatory Electronic Filing. Attorneys shall electronically file (eFile) all documents using the court's designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorneys or pro se parties are not required to eFile, but are encouraged to do so.
 2. Documents That Shall Not Be e-Filed. The following may not be eFiled:
 - (a) A criminal case initiation document (e/g/, complaint, citation, or notice of infraction) that is not submitted through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application per GR 30(d)(ii);
 - (b) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;
 - (c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - (d) Documents larger than permitted in the User Agreement.
 3. Working Copies. Attorneys and other eFilers are not required to provide duplicate paper copies of those documents as “working copies” for judicial officers. The court may require that a party provide working copies of documents that are not eFiled.
 4. Waiver of the Requirement to eFile for attorneys.
 - (a) If an attorney is unable to eFile documents required by this rule, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.
 - (b) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.
 5. Non-Compliance with this Rule. If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.
- (b) Electronic Service. If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

CIVIL RULES

LCRLJ 1 – Jury Trial

- (a) Confirmation Required. Two days, excluding weekends and holidays, prior to the jury trial date, the party demanding a jury trial shall email confirmation to Court_District@co.columbia.wa.us between 8:30 AM and 4:30 PM, and confirm that the case is going to proceed to jury trial. Confirmation must include the name of the person

confirming, the party they represent and the case number. Failure to confirm may result in a jury panel not being available.

- (b) This procedure may be modified by written order entered in a particular case.

LCRLJ 2 – Change of Name.

- (a) Identification required. Applicants for a change of name pursuant to RCW 4.24.130 must present valid photo identification at the time of application. Acceptable forms of identification include a Washington State Driver's License, Washington State ID Card, US Passport or US Military ID. Other forms of valid photo identification may be accepted at the discretion of a Judicial Officer.
- (b) Change of Name for Minor Child.
1. Birth Certificate. A certified copy of any minor applicant's birth certificate must be presented to the clerk for verification, copying and filing with the application for name change.
 2. Parental Consent. A minor child must be represented by a parent or legal guardian. A minor child 13 years and older must be present in court and consent themselves to the name change. In the absence of consent from one of the biological or legal parents, the court may grant the petition if such action would be in the best interests of the child and the non-consenting parent has received notice of the hearing on the petition.
 3. Notice of Hearing. A parent or guardian who has not consented to a minor's change of name and whose parental rights have not been previously terminated must be given actual notice or notice by publication as provided in CRLJ 4. Petitioner shall file proof of service of the Petition and hearing date on other parties at least ten (10) days prior to the hearing. The notice requirement may be waived by a Judicial Officer upon a finding of good cause.
 4. Notice by Publication. A person petitioning to change the name of a minor child may move the court for an order authorizing notice to a parent by publication. The requesting parent must certify under penalty of perjury that the whereabouts of the other parent are unknown. If authorized by the court, publication of a single notice in a newspaper of general circulation in the county of the non-consenting parent's last known residence shall be sufficient so long as the notice contains a hearing date, the name of the minor, the name the petitioner desires the child to assume, and sets forth the reasons for requesting the change of name.

INFRACTION RULES

ILRJ 1 – Response to Notice of Infraction

- (a) Generally. A person who has been served with a notice of infraction must respond to the notice within 30 days of the date the notice is personally served or, if the notice is served by mail, within 33 days of the date the notice is mailed.
- (b) Alternatives. A person may respond to a notice of infraction by:
1. Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;

2. Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law;
3. Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law;
4. Requesting deferred findings if the driver qualifies; or
5. Submitting a written statement either contesting the infraction or explaining mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed.

For contested hearing, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

- (c) Method of Response. A person may respond to a notice of infraction either personally, by mail or by e-mail. If the response is mailed or e-mailed, it must be postmarked or e-mailed not later than midnight of the day the response is due.

- (a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the rules of evidence.
 - 1. Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.
 - 2. Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule IRLJ 6.2.
 - 3. Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.
 - 4. No Appeal Permitted. There shall be no appeal from a decision on written statements.
- (b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

LIRLJ 3 - Request for Subpoena

Any request for a subpoena to be issued by the court must be filed in writing at least 14 days before the hearing, or such lesser time as the court deems proper. The request cannot be combined with a notice of appearance or any other pleading.

LIRLJ 4 - Request for Speed Measuring Device Expert; Document Maintenance; Remote Testimony

- (a) Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading.
- (b) Documents maintained as public records pursuant to IRLJ 6.6 may be filed and maintained electronically in a format accessible by the public. The Court's website shall include the electronic address for the public records and instructions for requesting printed copies.
- (c) The court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone or other electronic means acceptable to the court.

CRIMINAL RULES

LCrRLJ 1 – Certificates of Compliance for Indigent Defendants.

- (a) Certificates of Compliance with the Standards for Indigent Defendants required by CrRLJ 3.1 shall be filed quarterly with the Columbia County District Court Clerk's Office.
- (b) All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether a current CrRLJ 3.1 Certificate of Compliance with the Standards for Indigent Defendants is on file with the Columbia County District Court Clerk's Office.

LCrRLJ 2 – Bonding Companies

Columbia County District Court accepts bonds that are justified with Columbia County Superior Court. Any bonding agencies wanting to become justified with Columbia County will need to take appropriate steps.