F I F E M U N I C I P A L C O U R T

LOCAL RULES

Introduction/Adoption

These Local Rules have been adopted under the provisions of General Rule 7, (GR 7), promulgated by the Washington State Supreme Court. The numbering used in these Local Rules conforms to the numbering system and format of the Administrative Rules for Courts of Limited Jurisdiction (ARLJ), Criminal Rules for Courts of Limited Jurisdiction (CrRLJ), and Infraction Rules for Courts of Limited Jurisdiction (IRLJ), which are in effect as of the adoption of these Local Rules.

Courtroom Practice and Professionalism

As a proud member of the legal profession, the Court endorses the following principles of civil-professional-conduct:

1. In dealing with attorneys, parties, witnesses, members of the bench, and court staff; be civil, courteous, and guided by the fundamental tenets of integrity and fairness.

2. Your word is your bond in dealing with the Court, fellow counsel, and others.

3. Endeavor to resolve differences through cooperation and negotiation, giving due consideration to alternative dispute resolution.

4. Honor appointments, commitments, and case schedules. Be timely in all communications.

5. Design the timing, manner of service, and scheduling of hearings only for proper purposes. The objective should never be to oppress or inconvenience the opponent.

6. Conduct yourself professionally during negotiations, depositions, and any other interaction with opposing counsel or a witness as if you were in the presence of a judge.

7. Be forthright and honest in dealing with the Court, opposing counsel, and others.

8. Be respectful of the Court, the legal profession, and the litigation process in attire and demeanor.

9. As an officer of the Court, as an advocate, and as an attorney; uphold the honor and dignity of the Court and of the legal profession. Strive always to instill and encourage a respectful attitude toward the Court, the litigation process, and the legal profession.

[Adopted effective September 1, 2002]

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General Rules

FMLGR 1 APPLICATION

These Rules apply only to the Fife Municipal Court.

[Adopted effective September 1, 2002]

FMLGR 2 COURT BUSINESS HOURS / JUDICIAL DAYS

The Fife Municipal Court shall be open to the public for business on Monday, Tuesday, Thursday, and Friday from 8:30 a.m. to 4:30 p.m. and on Wednesday from 9:30 a.m. to 4:30 p.m. excluding holidays scheduled by the Washington State Supreme Court and closures ordered by the Presiding Judge when necessitated by union contract, inclement weather, or the oversight of the Court.

Judicial days shall be defined as Tuesday, Wednesday, Thursday, and Friday of each week. The Presiding Judge has the discretion to use Monday of any week as a "judicial day" when necessary in the oversight of the Court.

[Adopted effective September 1, 2002; amended effective September 1, 2019]

FMLGR 3 PLEADINGS

Every paper presented to the Judge for signature or delivered to the Court for filing shall be a clearly readable original and shall include: (a) number and title of case, (b) designation of what the paper purports to be, and (c) name, original signature, office address, office telephone number, and WSBA number of counsel.

[Adopted effective September 1, 2002]

FMLGR 4 JURY INSTRUCTIONS

Where a jury is to be instructed in writing, proposed "non-WPIC" instructions shall be submitted on plain paper with no identifying mark. The original, without citations of authority and one copy with citations of authority shall be submitted to the Court at the Readiness Hearing.

[Adopted effective September 1, 2002]

FMLGR 17 FACSIMILE TRANSMISSION

(A) (1) Except as set forth in subsection (a)(5) of GR 17, the clerks of the Court may accept for filing documents sent directly to the clerk or to another by electronic facsimile (fax) transmission. The original shall replace a fax copy within five (5) working days. Documents to be transmitted by fax shall bear the notation: "SENT ON _(date)_ VIA FAX FOR FILING IN FIFE MUNICIPAL COURT".

[Adopted effective September 1, 2002]

Administrative Rules

FMLAR 1 COMMISSIONERS

(A) The Court may employ judicial officers as commissioners, who shall serve at the pleasure of the Presiding Judge.

(B) Each must be appointed in accordance with RCW 35.20.205 and the Fife Municipal Code as judge pro tempore.

(C) Commissioners may hear infraction cases as provided by the infraction rules for courts of limited jurisdiction and RCW 46.63, or any amendatory law thereof. Commissioners may also perform such other duties as may be assigned by the Presiding Judge.

[Adopted effective September 1, 2002]

FMLAR 2 SCOPE OF RULES

(A) Operating and administrative policies and procedures of the Fife Municipal court shall be in accordance with these Local Rules adopted pursuant to GR 7, CrRLJ 1.7, and IRLJ 1.3.

(B) In the absence of a rule governing a particular policy or procedure, the Presiding Judge shall resolve the issue pending the establishment of a local rule

[Adopted effective September 1, 2002]

FMLAR 5 ADVISORY RULES COMMITTEE

(A) To facilitate regular review of established Local Rules, practices and procedures, and to insure maximum participation, an Advisory Committee shall be established and composed of the following participants: (1) Presiding Judge, (2) Court Administrator, (3) City Attorney, (4) Prosecuting Attorney, (5) Public Defender, and (6) Chief of Police.

(B) The Advisory Committee shall meet annually. The Court Administrator shall facilitate the meetings for the convenience of the Committee. Additional meetings may be called as needed by the Presiding Judge.

(C) The Committee shall evaluate written recommendations for the revision or establishment of Local Rules received by the Court during the preceding year.

(D) The Committee may also consider proposed changes in Court policy and procedure that are not governed by Court Rules.

[Adopted effective September 1, 2002]

FMLAR 5.1 MISCELLANEOUS PROVISIONS

(A) All requests for Local Rules or rule changes must be submitted in writing on or before May 1st to be considered by the Advisory Committee at the annual meeting.

(B) Immediately following each Advisory Committee meeting, the Presiding Judge shall present the Committee recommendations to the Washington State Supreme Court for appropriate action.

(C) In evaluating any proposed Local Rule, the Presiding Judge shall take into consideration the fiscal impacts of additional services and budget constraints.

[Adopted effective September 1, 2002]

Criminal Rules

FMLCrR 3.2 RELEASE OF ACCUSED

(F) Delay of Release. The court may delay release of a person in the following circumstances…(4) Bail shall not be set for a person arrested and booked into jail for violation of RCW 46.61.502, 503, 504, or RCW 46.25.110 unless set by a judge telephonically at the time of arrest or at a preliminary appearance, arraignment, or subsequent court appearance. A person arrested and released for a violation of RCW 46.61.502, 503, 504, or RCW 46.25.110 shall be required to appear before a judge pursuant to RCW 46.61.5051 the next judicial day following the arrest. Appearances are mandatory and may not be waived by the appearance of an attorney… (5) Bail shall not be set for a person arrested and booked into jail for a domestic violence offense unless set by a judge telephonically at the time of arrest or at a preliminary appearance, arraignment, or subsequent court appearance. In matters where a person is arrested and released for a domestic violence offense prior to appearing before a judge for arraignment, bail hearing, or any other hearing where conditions of release may be set; there shall be a *No Contact Order* imposed as a condition of release from custody prohibiting the arrested person from having any contact with the alleged victim involved in the incident and from having any contact with the alleged victim's residence, place of employment, or any other place where the alleged victim may be found or believed to be. Said *No Contact Order* shall remain effective until the next judicial day when the arrested, cited, and released person shall be required to appear before a judge OR fourteen (14) days if the arrested person is released, but not cited. Appearances are mandatory and may not be waived by the appearance of an attorney. *"Domestic Violence"* includes, but is not limited to, any misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(3) or similar municipal ordinance when committed by one family or household member against another. *"Family or household members"* are those persons listed in RCW 10.99.020(1) or similar municipal ordinance. . . (6) Bail as set forth in this Rule or any similar rule or order shall be available to those accused that have provided sufficient information to establish a positive and verifiable identity and home address. Absent such information, no bail may be accepted until established by the Court.

(O) Bail. (1) Except as provided in subsection (2) or (3) of this rule, when required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor or unscheduled crime shall be $1000 and for a gross misdemeanor shall be $1500. In an individual case and after hearing, the court for good cause recited in a written order may set a different bail amount.

[Adopted effective September 1, 2002; amended effective September 1, 2019]

FMLCrR 4.2 PLEAS

(I) Deferred Prosecution. A written petition shall be filed at the time the defendant moves the Court to grant a deferred prosecution under RCW 10.05 and an order approving the deferred prosecution. A copy of the documents required by this rule will be made available upon request. Said documents may be submitted in the original form provided by the Court or may be reprinted and submitted in substantially the same form. All substantive revisions to these forms must be made known to the Court at the hearing when presented.

[Adopted effective September 1, 2002]

FMLCrR 4.5 PRETRIAL HEARINGS

(A) Pretrial. When a plea of "not guilty" is entered, the Court shall schedule a pretrial hearing. The prosecuting authority, the defendant, and the defendant's attorney (if any) shall attend the pretrial hearing. Failure of the defendant to appear may result in the issuance of a bench warrant.

(B) Readiness Hearing. A readiness hearing shall be set prior to the trial date. All parties mentioned above shall appear unless waived in the pretrial order. Failure of the defendant to appear when required shall cause the trial date to be stricken and the issuance of a bench warrant.

[Adopted effective September 1, 2002; amended effective September1, 2019]

FMLCrR 6.1.1 TRIAL BY JURY

(E) Any case confirmed for jury trial at the readiness hearing shall remain set for a jury trial. On the last regular court day preceding the trial date, the prosecuting authority and defense attorney or defendant, if appearing pro se, shall confirm the jury trial telephonically to the clerk of the court before 3 p.m., or advise that

some other disposition has been reached. Failure to confirm the jury trial as required shall be deemed a waiver of the right to a jury trial, cause the jury to be stricken, and the matter set before the bench. If the failure to confirm the jury trial is on behalf of the defendant and the defendant requests that the case be reset before a jury, then the defendant is deemed to have extended the time for trial to the date next scheduled for jury trial.

(F) Any case confirmed as a jury trial and not proceeding to a jury trial, whether by entry of a plea or otherwise, shall be subject to terms, including costs for the unused jury, witness fees, and other terms deemed appropriate by the Court.

[Adopted effective September 1, 2002; amended effective June 1, 2003]

Infraction Rules

FMLIR 2.6 SCHEDULING OF HEARINGS

(A)(1) (i) A Respondent who requests a contested hearing may first be scheduled for a prehearing status conference, which shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1)(i).

(ii) The prehearing status conference may waived in accordance with the provisions of IRLJ 2.6(a)(1)(ii). However, if a Respondent requires certain witnesses to appear, the pretrial status conference may not be waived in order to issue the subpoenas and handle other scheduling matters. If the Respondent fails to timely waive or appear at the prehearing status conference, then a default judgment shall be entered.

[Adopted effective June 1, 2003; Amended effective September 1, 2011]

FMLIR 3.3 PROCEDURE AT CONTESTED HEARING

(B) (1) At a contested hearing, the plaintiff shall be represented by the prosecuting authority in those matters that the respondent is represented by an attorney or the plaintiff's witnesses have been subpoenaed for the hearing. The respondent may be represented by an attorney.

(2) No attorney shall appear for a respondent without first filing a Notice of Appearance no less than seven (7) days prior to any scheduled hearing. Upon the filing of a Notice of Appearance, the Court shall schedule the contested hearing on a date available to both parties.

[Adopted effective September 1, 2002]

FMLIR 3.5 DECISION ON WRITTEN STATEMENT

(A) Generally. The Court shall examine the citing officer's report and any statement submitted by the respondent. The examination shall take place within 120 days after the respondent has filed a response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(B) Factual Determination. The Court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the respondent has committed the infraction if contested.

(C) Disposition. If the Court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 3.3. If the Court defers a finding for a specified period of time on certain conditions, it may assess an administrative fee to process the infraction notice.

(D) Notice to Parties. The Court shall notify the parties in writing whether the infraction was found to be committed, deferred, or dismissed and what penalty or administrative fee, if any, was imposed.

(E) No Appeal Permitted. There shall be no appeal from a decision made upon written statements.

[Adopted effective September 1, 2002]