

**Local Rules for Clallam County
District Court II**

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**LARLJ 2
SCOPE OF RULES AND ADOPTION**

(a) Effect of Local Rules. These rules shall be known as the Local Rules for Clallam County District Court II. These rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

(b) Adoption and Amendment. These rules are adopted pursuant to GR 7, CRLJ 83 and CrRLJ 1.7 and may be amended in the discretion of the District Court II Judge.

(c) Prior Rules Repealed. All prior rules of Clallam County District Court II are repealed upon adoption of these rules.

[Adopted effective September 1, 2002.]

**LCRLJ 5
SERVICE AND FILING OF PLEADINGS AND OTHER PAPER**

(a) Filing by Facsimile or Email. The court accepts documents filed by facsimile or email (PDF format preferred), subject to the provisions of GR 17. A document properly filed by facsimile or email shall constitute an original for all purposes.

[Adopted effective September 1, 2011.]

**LCRLJ 38
CIVIL JURY TRIAL**

(a) Demand. The request for jury trial in civil cases shall be made by filing a demand with the clerk and paying the jury fee not later than seven days from the date of the trial setting notice issued from the court. Failure to comply with this rule is a waiver of the right to a jury trial.

(b) Imposition of Costs. The court shall be notified immediately if a case scheduled for jury trial is settled or will not be tried by the jury for any reason. An assessment for jury costs may be imposed if the parties fail to notify the court at least 24 hours before the trial is scheduled to begin.

[Adopted effective September 1, 2002.]

**LCRLJ 40 (1)
SMALL CLAIMS MANDATORY MEDIATION**

(a) Mediation Conference. A Mediation Conference is mandatory before trial. The court will set a Mediation Conference date at the time of filing an answer to the Complaint. Both parties must attend the Mediation Conference. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear, their answer, if one was filed, may be stricken and a

default judgment entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will proceed to trial. Lawyers and paralegals may not represent the parties at mediation or in Small Claims Court.

(b) Exemption from Mediation. The parties may request exemption from mandatory Mediation Conference by filing an affidavit within 14 days of receipt of the notice of the mandatory mediation conference, wherein the parties state they have attempted to settle all issues in dispute by participating in formal mediation or arbitration prior to filing the case.

If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial at the discretion of the court. The parties shall file with the court notice from the prior mediation/arbitration agency showing such prior attempt to settle.

(c) Completing Mediation. Any case assigned to mediation must be completed within 90 days of assignment, unless otherwise ordered by the court.

(1) In all cases assigned to mediation in which a settlement is reached, the parties shall report such settlement to the mediator and the mediator shall file written notice of such settlement with the court.

(2) The results of mediation shall be reported to the court as either "settled" or "not settled".

(3) If a case is reported as "settled", the terms of the agreement, including a date of final compliance, shall be signed in writing by the parties and filed by the mediator with the clerk of the court within 10 judicial days.

(i) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.

(ii) Should the creditor fail to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports the terms of the settlement have been met, the court may dismiss the case.

(iii) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.

(4) If the parties are not able to settle a mediated case, the case will be set for trial.

[Adopted on an emergency basis effective March 10, 2014; June 2, 2014; adopted on a permanent basis effective September 2, 2014.]

LCRLJ 40 (2)
CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL

The party requesting a continuance must contact the other party who must also agree to the continuance in writing.

If one party will not agree to the continuance, the party seeking the continuance must make a written motion for continuance and set a hearing date prior to the scheduled mediation or trial date. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the motion to continue. At the hearing, the Judge will make a ruling whether the matter will be continued.

If there are less than five days prior to the mediation or trial date to serve the opposing party, the party requesting the continuance may contact the Court to explain the circumstances which require the mediation or trial to be continued. The matter may be continued by the Court upon showing of good cause.

[Adopted on an emergency basis effective March 10, 2014; June 2, 2014; adopted on a permanent basis effective September 2, 2014.]

LCRLJ 51
JURY INSTRUCTIONS

(a) Assembling and Distribution. Proposed jury instructions shall be assembled and distributed as follows:

(1) One copy (including cover page) to judge to be unnumbered, paper clipped (not stapled) and without citations;

(2) One copy with supporting citations, numbered and stapled, to each of the following:

Clerk, for court file

Judge, for work copy

Counsel for each opposing party

(b) Citations. Washington Pattern Jury Instructions are to be cited. On the copies of proposed jury instructions delivered to the judge, clerk and opposing counsel, pattern instructions shall be identified by WPI number. If a pattern instruction is changed or modified in any way, the citation shall include the word “modified.”

[Adopted effective September 1, 2002.]

**LCrRLJ 3.3
CONTINUANCES**

(a) Continuances may be granted:

(1) Upon written agreement of all parties which must be authorized by the defendant(s). Agreements lacking evidence of approval of all parties will not be considered by the court. The agreement must set forth the basis for the continuance and include a proposed order of continuance. The agreement is not effective unless approved by the court.

(2) By motion, if such motion complies with relevant rules for motions, including CrRLJ 3.3(h)(2).

(3) Only if the continuance is to a date within the speedy trial requirements of CrRLJ 3.3 or the defendant executes a waiver of speedy trial.

[Adopted effective September 1, 2002.]

**LCrRLJ 8.4
SERVICE, FILING, AND SIGNING OF PAPERS**

(e) **Filing by Facsimile or Email.** The court accepts documents filed by facsimile or email (PDF format preferred), subject to the provisions of GR 17. A document properly filed by facsimile or email shall constitute an original for all purposes.

[Adopted effective September 1, 2011.]

**LCrRLJ 38
CRIMINAL JURY TRIAL**

(a) **Imposition of Costs.** The court shall be notified immediately if a case scheduled for jury trial is settled or will not be tried by the jury for any reason. An assessment for jury costs may be imposed if the parties fail to notify the court at least 24 hours before the trial is scheduled to begin.

[Adopted effective September 1, 2002.]

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JURY INSTRUCTIONS

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[Adopted effective September 1, 2002.]

LIRLJ 2.4
RESPONSE TO NOTICE

(a) Method of Response. A person may respond to a notice of infraction in person or by mail. A response by mail must be postmarked no later than midnight of the day the response is due. Written instructions about infraction hearing procedures will be provided to anyone timely responding to an infraction. The written instructions explain the procedures for mitigating or contesting infractions in person; by mail; or online, using the court's website.

[Adopted effective September 1, 2011.]

LIRLJ 3.1
CONTESTED HEARINGS – PRELIMINARY PROCEEDINGS

(a) Timeliness of Requests for Subpoenas. If a request for a subpoena pursuant to IRLJ 3.1 is made 14 days or less before a scheduled hearing, the court may deny the request or condition the issuance of the subpoena on a continuance of the hearing date.

(b) Speed Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the appropriate prosecuting attorney's office no less than 30 days before a contested hearing.

(c) Costs and Witness Fees. Each party is responsible for costs incurred by that party, including witness fees. 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.

[Adopted effective September 1, 2002.]

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

The procedure authorized in IRLJ 3.5 is adopted by this court.

[Adopted effective September 1, 2002.]

LIRLJ 6.6
SPEED MEASURING DEVICE; DESIGN AND CONSTRUCTION

(d) Maintaining Certificates as Public Records. IRLJ 6.6 certificates are maintained as public records by the Washington State Patrol and are available on the WSP website: <http://www.wsp.wa.gov>. The court is entitled to take judicial notice of certificates available online at the WSP website. The court will not maintain separate records of such certificates. Evidence will not be suppressed merely because a certificate is available online, as opposed to being provided by the prosecuting authority. Evidence shall be suppressed if the certificate is insufficient.

[Adopted effective September 1, 2011.]