

Monroe Municipal Court
Local Court Rules

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court rules. These rules govern the procedure in the City of Monroe Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for Courts of Limited Jurisdiction. The Court may modify or suspend these local Court rules in any given case upon good cause shown. These rules may be known and cited as the Monroe Municipal Court Local General rules and shall be referred to as MMCLGR; the Monroe Municipal Court Local Rules and shall be referred to as MMCLR; and the Monroe Municipal Court Local Infractions Rules and shall be referred to as MMCLIR.

[Effective September 1, 2024]

MMCLGR 30 – Electronic Filing and Electronic Signatures

(a) Definitions – See GR 30.

(b) Electronic filing and service – See GR 30(b)(1-4).

(c) Electronic filing authorization, charges, exceptions, non-compliance, retention, service, transmission, and waiver.

(1) Mandatory electronic filing. Attorneys shall electronically file (eFile) all documents except the initial criminal complaint, citation or notice of infraction, using the court's designated eFiling service (eServe), unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys or pro se parties are not required to eFile, but are encouraged to do so.

(2) The following documents must be filed in paper form rather than eFiled:

(a) A document that is required by law to be filed in non-electronic format may not be electronically filed;

(b) Documents incapable of legible conversion to an electronic format by scanning, imaging or any other means;

(c) Documents larger than permitted in the User Agreement.

(3) Electronic transmission from the court.

(a) The court or clerk may electronically transmit notices, orders, or other documents to all attorneys and to parties who have filed electronically or have agreed to accept electronic

documents from the court, and who have provided the clerk the address of the party's electronic mailbox.

(b) It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(4) Electronic service and working copies.

(a) When a party eFiles a document, the party must serve that document using the eServe function. eService under this subsection constitutes service under CRLJ 5 and is complete as stated in CRLJ (5)(b)(7).

(b) Exceptions to eService. Eservice does not apply:

(i) when a self-represented party has not registered for eService;

(ii) when a statute or rule requires that a document be personally served on the receiving party;

(iii) for documents not filed with the court (e.g. discovery);

(iv) when a waiver has been obtained as set forth in this Rule.

(c) If a party serves another party electronically or via email, that party must likewise accept service from the other party electronically or via email.

(d) Parties who eFile documents under this rule are not required to provide duplicate paper copies of those documents as "working copies/bench copies" for judicial officers.

(e) Documents that are not filed using the eFile system shall provide "working copies/bench copies" for judicial officers.

(f) It is the responsibility of attorneys and pro se parties to keep their email address updated. Attorneys must keep their email address updated with the Washington State Bar Association. Pro se parties must update their email address with the Monroe Municipal Court Clerk by emailing a notice of change of address. Attorneys and pro se parties will be considered served if served using the email address currently on file in the Court's case management system.

(5) Retention policy. If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(6) 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. 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 filed 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.

(c) If an attorney files a document in paper form and does not have an approved waiver from eFiling, the court may assess a fee against the attorney for each paper document filed.

(7) Electronic filing fees and fee waiver.

(a) An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for:

(i) Persons who are indigent or their attorney of record; or

(ii) Government filers; or

(iii) Qualified legal services providers; or

(iv) Protection orders or other matters for which filing fees may not be charged by law.

(d) Time of Filing, confirmation, and rejection.

(1) An electronic document is filed when it is received by the clerk’s designated computer during the clerk’s business hours; otherwise, the document is considered filed at the beginning of the next business day.

(2) Confirmation of receipt of an electronic document shall be issued to the filing party.

(3) The clerk may reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.

[Effective September 1, 2024]

MMCLR 2.2 – Warrant of Arrest

Warrants issued by the court will specify whether a bond or bail may be posted to secure the release of the defendant. A warrant for \$5,000 or less may be quashed administratively by the

clerk of the court upon the payment of a fifty dollar (\$50.00) warrant fee. No-bail warrants are not subject to this procedure.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLR 3.2 – Release of Accused

- (a) Bail: Monroe Municipal Court will follow the bail schedule set forth in Washington Court Rule CrRLJ 3.2(o) except where the charges involve domestic violence offenses or charges of DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504).
- (b) Domestic Violence Offenses: Bail shall not be set for a person arrested for a new domestic violence offense unless set by a judge electronically at the same time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance. “Domestic violence” includes, but is not limited to any of the misdemeanor or gross misdemeanors listed in RCW 10.99.020(5), 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(3) or similar municipal ordinance.
- (c) DUI or Physical Control: Bail shall not be set for a person arrested for a new DUI or Physical Control offense unless set by a judge electronically at the time of arrest, or preliminary appearance, arraignment or subsequent court appearance or by written court order.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLR 6.1.1 - Jury Confirmation Required

The defendant, if appearing pro se, or the defendant’s attorney, if represented by legal counsel, and the City Prosecutor shall contact the court by email at court@monroewa.gov between 9 a.m. and 3 p.m. the day before trial commences and confirm whether a case will proceed to jury trial. Confirmation must include the name of the person confirming, the name of the person they represent, and the case number. Failure of a party to confirm the jury trial may cause the case to be stricken from the jury trial calendar and shall constitute an excluded period of the defendant’s time for trial under CrRLJ 3.3(e)(3).

[Effective September 1, 2024]

MMCRL 3 – Rescinded

[Effective September 1, 2024]

MMCLR 8.2 – Motions and Other Papers

- (a) How Made. An application to the court for an order shall be by motion which unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.
- (b) Form. The civil rules (CR) applicable to captions and other matters of form of pleadings apply to all motions and other papers provided for by these rules.
- (c) Signing. All motions shall be signed in accordance with CR 11 or GR 30.
- (d) Identification of Evidence. When a motion is supported by affidavits or other papers, it shall specify the papers to be used by the moving party.
- (e) Electronic Filing. Any pleading signed by attorneys, electronically or otherwise, may be filed electronically by attaching the document in .pdf format to an email addressed to court@monroewa.gov.
- (f) All motions shall be calendared on a motions calendar. This includes, but is not limited to, a motion to quash a bench warrant, motion to review a defendant's compliance with sentence conditions, motion to revoke a defendant's pre-trial release on personal recognizance, motion for entry of a deferred prosecution, motion to modify or terminate a no contact order, motion to vacate a conviction, motions pursuant to CrRLJ 3.5 and 3.6.
- (g) The court finds good cause to require the defendant's in-person appearance at all motion hearings. The defendant's appearance may be waived at the discretion of a judicial officer.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLIR 2.6 – Schedule of Hearings

- (a) Contested hearings will be scheduled upon the Respondent's request within the time limits provided by IRLJ 2.6(a). If, at the same time the Respondent requests a contested hearing, the Respondent also requests that an electronic speed measuring device (SMD) expert will be present at the contested hearing, the court will set such hearing on the third Wednesday of a calendar month. If such a request is made subsequent to the scheduling of the hearing on a day other than the third Wednesday of a calendar month, the court will continue the hearing from the date first set to a hearing on the third Wednesday in a calendar month and the period between the date of the hearing originally set and the new hearing will be excluded from computation of the time-for-hearing requirements of IRLJ

2.6(a). If the third Wednesday of a calendar month falls on a non-judicial day, the court may direct that such hearings be set on another day in the same calendar month.

(b) There shall be no prehearing conferences.

(c) If the Respondent is also charged with a criminal offense arising out of the same incident as that which gives rise to an alleged civil infraction, the hearing on the infraction may be scheduled at the same time as any hearing set for the criminal matter.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLIR 3.1 - Discovery

(a) In any case where the City intends to call or rely upon the sworn statement of a local law enforcement officer, the duty to provide a list of witnesses to the Respondent may be met by providing a copy of the citing officer's sworn statement on which the officer is identified.

(b) No motion to dismiss or to suppress evidence will be granted for failure to provide discovery not required by IRLJ 3.1(b) unless the moving party has previously obtained an order from the court compelling production of the additional discovery.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLIR 3.3 – Notice of Appearance and Motions

(a) Attorneys appearing on behalf of clients shall file a Notice of Appearance with the Court and Prosecutor no later than seven (7) days prior to the hearing. Failure to provide such notice shall be grounds for a continuance to the next available calendar when the Prosecutor will be present, even if the date is beyond speedy trial requirements.

(b) Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLR 7 - Rescinded

[Effective September 1, 2024]

MMCLR 8 – Rescinded

[Effective September 1, 2024]

MMCLR 3.5 – Decision on Written Statements

At the request of the Respondent, the Court will conduct a mitigation hearing authorized by RCW 46.63.100 or consider a petition to defer a finding under RCW 46.63.070(5), or conduct a contested hearing authorized by RCW 46.63.090, upon the written statements of the City’s witness(es) and the Respondent, pursuant to IRLJ 3.5. A petition for a deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statements.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLR 6.6 – Speed Measuring Device (SMD) Expert

A request for the production of an SMD expert at the contested hearing shall be made in a document separate from any and all other requests, demands and/or notices.

[Amended September 1, 2024, Effective September 1, 2015]

MMCLR 10 – Rescinded

[Effective September 1, 2024]

MMCLR 11 – Rescinded

[Effective September 1, 2024]