

SPOKANE MUNICIPAL COURT
LOCAL RULES

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SPMGR 7
LOCAL RULES - FILING AND EFFECTIVE DATE

(g) Reference. The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them and are submitted pursuant to GR 7(e) with an intent to adopt as changed. These rules may be known and cited as Spokane Municipal Court Local Rules, and shall be referred to as "SPM" along with the corresponding rule abbreviation.

(h) Prior Rules Repealed. These rules supersede and replace any prior rules.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMGR 14
FORMAT FOR PLEADINGS, PAPERS AND ELECTRONIC MEDIA

(a) Reserved by state rule

(1) Formatting: All pleadings, motions, documents, and other papers filed with the Court, except original citations, should be legibly drafted for production or reproduction on 8 ½ by 11 inch paper. The top margin should be at least one inch except as otherwise approved by the Court on certain forms. Except for footnotes, the font size shall be a minimum of 12-point.

(2) Colored pages are only allowed for certain court-approved forms.

(3) Handwritten Pleadings, Documents, and Papers: To ensure access to The Court for any self-represented party, handwritten pleadings may be submitted, legibly written in black or blue ink, double spaced (unless a mandatory form authorizes the use of single spacing), and utilizing only one side of each page.

(b) - (d) Reserved by state rule

(e) Required Content

(1) Mandatory Forms:

(A) In order to promote clarity in pleadings, reduce drafting errors, and to expedite the processing and entry of pleadings by court staff, the Court has promulgated a number of local mandatory forms which are required to be used by all parties to take an action when such form is available. Mandatory local forms may be obtained free of charge from the Spokane Municipal Court Clerk or by accessing the Spokane Municipal Court website at:
<https://my.spokanecity.org/courts/municipal-court/forms/>.

(B) Where no local mandatory form is available and a form has been promulgated by the Washington State Supreme Court, then use of the state form shall be mandatory. State forms may be obtained by accessing: www.courts.wa.gov/forms.

(2) Police Report/Incident Number: Any document presented to the Court for filing that will impact the custody status of an individual, involves a No Contact Order, firearm rights, or warrant must include the correct police report/incident number in the caption of the document.

(3) Action Documents - Clerk's Action Required: Pleadings or other papers requiring action on the part of the Clerk of the Court (other than filing, stamping, docketing and placing in the court file) shall constitute action documents. These include, but are not limited to, pleadings that must be forwarded to law enforcement, an evaluator, or a treatment agency. Action documents shall include a note in the caption indicating

"Clerk's Action Required" with reference to the paragraph requiring action. The specific action required of the Clerk shall be stated with particularity in the body of the pleading or other paper requiring action on the part of the Clerk.

(4) Correct Information: Any document or correspondence presented to the Court for filing which does not have the required content identified in this rule, shall be rejected for filing by the Court Clerk, physically marked accordingly, and returned to the presenter with a written explanation for the basis of the rejection.

(Adopted effective Sept. 1, 2011; amended effective Sept. 1, 2019;
amended effective Sept. 1, 2021)

SPMGR 17.5
E-MAIL COMMUNICATION

(a) Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with the judges and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for e-mail communication over any other form of communication. E-mail is another tool to provide information as is telephone communication or delivery of documents, but is not intended to substitute for oral argument on any issue.

(b) Guidelines for the use of e-mail: E-mail communication with court staff is appropriate in the following typical situations:

- (1) to obtain a date for an in-court hearing;
- (2) to submit proposed orders (when authorized by the judge) and/or bench copies of pleadings or trial aides;
- (3) to determine the judge's availability;
- (4) to determine the availability of equipment needed for trial (such as a projector, video/compact disc player or speaker phone);
- (5) to advise the Court of a settlement;
- (6) and/or other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

(c) Bench Copies of Briefing: The Court will accept electronic bench copies of briefs prior to a hearing provided the following guidelines are followed:

- (1) All parties or their counsel must be provided contemporaneous copies of the e-mail.
- (2) Attached documents to an e-mail must be in PDF or Microsoft Word format.
- (3) The top margin of the first page must include a notation indicating the date and time set for hearing.
- (4) A party must advise the Court and parties of any later updated or changed versions of a document previously sent via e-mail.
- (5) No argument of the issues will be allowed within the e-mail. The purpose of the rule is solely to permit electronic transmission of copies of pleadings.

(d) Ex parte Communication Prohibited: The prohibitions regarding ex parte contact with the Court are fully applicable to e-mail communication. To avoid ex parte contact, all parties must

be included in the email and clearly appear as additional recipients in the e-mail. If all parties are not included, the judge will not review the e-mail or its content. If an attorney or party is communicating substantive information to court staff, the e-mail must also be sent to - all opposing attorneys /parties and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security, and other case-specific issues.

(Adopted June 29, 2018; effective Sept. 1, 2018; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021)

SPMGR 19
PROCEEDINGS BY VIDEO CONFERENCE OR TELECONFERENCE

(a) Criminal Matters:

(1) Video Conference

(A) Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined in CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Court. Any party may request an in-person hearing under this section, which may be granted at the Court's discretion.

(B) Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Court pursuant to this local court rule.

(C) The judge, counsel, all parties, and the public must be able to see and hear each other during video proceedings, and may speak as permitted by the Court. Video conference facilities must provide for confidential communications between attorney and client and sufficient security to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted as to assure that the interpreter can hear all participants.

(D) For purposes of video conference proceedings, the facsimile or electronic signatures of the defendant, counsel, interested parties, and the Court will be treated as if they were an physical signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Plea of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary.

(2) Teleconference:

(A) Hearings on motion to modify financial obligations may be conducted telephonically upon written request of the defendant.

(B) Hearings of any other type will not be conducted by telephone without prior approval of the Judge on a showing of good cause as to why the Court's video conferencing system would not suffice.

(b) Infraction Matters:

((1) Definitions:

(A) "Infraction matters" shall be deemed to include traffic infractions, non-traffic infractions, photo enforcement infractions, and parking infractions.

(2) Hearings on motion to modify financial obligations may be conducted telephonically upon the written request of the defendant.

(3) Hearings of any other type will not be conducted by telephone without prior approval of the Judge on a showing of good cause.

(Adopted June 29, 2018; effective Sept. 1, 2018; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021)

SPMGR 20
SECURITY IN HANDLING COURT EXHIBITS

(f) Submission of Evidence in Multi-media Format for Consideration at Hearings

Prior to acceptance of media in any format for filing, use or display, the submitting party must contact the Court Administrator no later than 48 hours prior to submission in order to assure format-compatibility and allow the scanning of the media for virus and malware prior to use with court equipment.

(Adopted effective Sept. 1, 2017; Rescinded Sept. 1, 2021)

SPMGR 29
PRESIDING JUDGE

(c) (Reserved)

(f) Duties and Authority of Presiding Judge.

(f)(5)(a) Personnel Assigned to Perform Court Functions

(i) Court Commissioners - Selection. Upon a vacancy for Court Commissioner, the Court may advertise the vacancy and accept applications.

The majority of the Judges shall decide which candidates to interview and conduct interviews. Any Judge of this Court may attend, participate, and vote during the selection process. The selection shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting or a meeting called by the Presiding Judge for this purpose.

(ii) Court Commissioners - Termination. A Court Commissioner shall serve at the pleasure of the Judges and any decision to terminate shall be by a majority vote of the Judges at a Judges' meeting.

(f)(5)(c) Court Administrator

(i) Selection. Upon a vacancy, the Judges shall take the necessary steps to obtain qualified applicants. The Judges shall screen the written applications and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Court Administrator shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Court Administrator shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Court Administrator. The Court Administrator shall assist the Presiding Judge in his or her administrative responsibilities. Subject to the general supervision of the Presiding Judge, the Administrator's duties shall include, but not be limited to, those duties set forth in the job description for the Court Administrator.

(f)(5)(d) Chief Probation Officer

(i) Selection. Upon a vacancy, the Judges shall take the necessary step to obtain qualified applicants. The Judges shall screen the written applications and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Chief

Probation Officer shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Chief Probation Officer shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Chief Probation Officer. The Chief Probation Officer is subject to the general supervision of the Presiding Judge and the direct supervision of the Court Administrator. The Chief Probation Officer's duties shall include, but not be limited to, those duties set forth in the job description for the Chief Probation Officer.

(f)(5)(e) Judicial Administrative Assistant

(i) Selection. Upon a vacancy, the Judges shall take the necessary step to obtain qualified applicants. The Judges shall screen the written applications and conduct interviews. Any Judge may attend, participate, and vote. Selection of the Judicial Administrative Assistant shall be by majority vote of the Judges present at a regularly scheduled Judges' meeting.

(ii) Termination. The Judicial Administrative Assistant shall serve at the pleasure of the Judges and shall be terminated by a majority vote of the Judges at a regularly scheduled Judges' meeting.

(iii) Duties of Judicial Administrative Assistant. The Judicial Administrative is subject to the general supervision of the Presiding Judge and under the direct supervision of the Presiding Judge. The Judicial Administrative Assistant's duties shall include, but not be limited to, those duties set forth in the job description for the Judicial Administrative Assistant.

(f)(14) Paralegals who are currently registered with the Spokane County Bar Association for the purpose of presentation of such orders may personally present agreed, ex-parte and uncontested orders signed by counsel, based solely upon the documents presented and the record in the file. Said privilege may be revoked or limited by the Court for noncompliance with this rule, or other misconduct, regardless of whether the Paralegal is permitted to present orders before other courts.

(h) Oversight of Judicial Officers.

(1) The Presiding Judge shall maintain a record of absences of each judicial officer. All Judicial Officers must advise the Presiding Judge if they will not be on campus for the day and whether the reason is work-related or not. This information will be made available to the public by request at the end of each calendar year, however, information about an on-going leave will not be made available until after the leave has ended.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2019;
amended effective Sept. 1, 2021)

SPMGR 30
ELECTRONIC SIGNATURES AND FILING

(a) Reserved by state rule

(1-5) Reserved by state rule

(6) "Conventional manner of filing" is the filing of paper documents with the Clerk as is done in cases that are not e-filed cases.

(7) "Electronic Document" ("e-document") - An electronic file containing informational text.

(8) "Electronic Filing" or "e-filing" is the electronic transmission of information to a court or clerk for the purpose of case processing.

(9) "Electronic Image" ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.

(10) "Electronic Service" ("e-service") - An electronic transmission of documents to a party, attorney, or representative in a case via the Vendor. However, e-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.

(11) "PDF" - Portable Document Format (PDF) is a file format that preserves all fonts, formatting, colors, and graphics of any source document regardless of the application platform used.

(12) "Subscriber" is one contracting with a Vendor to use the e-filing system.

(13) "Vendor" is a company or organization that has an executed Electronic Information Project Agreement with the Clerk of the Spokane Municipal Court.

(b) Reserved by state rule

(1-4) Reserved by state rule

(5) Mandatory Electronic Filing.

(A) Commencing on the go-live date of the City of Spokane eSuite case management system, attorneys from the Office of the City Prosecuting Attorney and the Spokane City Public Defenders Office shall electronically file all documents, including emergency pleadings, using the e-filing application, unless this rule provides otherwise.

(B) Commencing on the go-live date of the City of Spokane eSuite case management system, through December 31, 2021, attorneys not employed by the City of Spokane are encouraged to use the e-filing application, but are not required to do so. Commencing January 1, 2022, all attorneys shall electronically file all documents, including emergency pleadings, using the e-filing application, unless this rule provides otherwise.

(C) Non-attorneys or pro se parties are not required to e-file, but may do so.

(6) Documents That Shall Not Be e-filed. The following documents must be filed in paper form rather than e-filed.

(A) Documents submitted for in camera review, or documents supporting motions to seal, including documents submitted pursuant to GR 15;

(B) Documents presented for filing during a court hearing or trial;

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

(D) Documents from governments or other courts under official seal, excluding a copy that is e-filed as an exhibit to another document, such as a pleading, by leave of the Court;

(7) eFiling of Special Documents. Under the conditions identified, the following documents may be e-filed.

(A) Appeals

(i) 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 case, including the expiration of any time period for review and/or appeal, 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.

(B) Working Copies

(i) Judges' working copies for e-filed documents are not required, except that printed paper working copies of e-filed documents of 50 pages or more shall be delivered to the Judge.

(8) Maintenance of Original Documents:

(A) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession or that the document so filed is the original document as evidenced by the digital or electronic signature contained thereon. Unless otherwise ordered by the Court, the filing party must retain the original document as signed either conventionally or electronically, until one year after the date that judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon five (5) days' notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within five (5) business days upon reasonable notice.

(9) Privacy Issues:

(A) It is the responsibility of the filing party or counsel to insure that documents filed electronically do not disclose previously or statutorily impounded or sealed information or private information defined in Supreme Court General Rule 15 and 31.

(B) All documents in confidential, impounded, or sealed cases must be submitted conventionally to the Clerk's office for filing. A party who has a legal basis for filing a document under seal without prior court order must electronically file a motion for leave to file under seal. The motion must include an explanation of how the document meets the legal standards for filing sealed documents. The document in question may not be attached to the motion as an attachment.

(C) In addition to the materials referenced in Supreme Court General Rules 15 and 31, parties and their counsel shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents electronically filed with the Court, including exhibits, thereto, unless a prosecuting authority or probation representative is requesting a warrant or unless otherwise ordered by the Court.

(i) Social Security Number and Driver's License Number - If an individual's social security number must be included in a document, only the last four digits of the number shall be used. An individual's Driver's License Number shall not be used.

(ii) Names of Minor Children - If the involvement of a minor child must be mentioned, only the initials of that child's name shall be used;

(iii) Financial Account Numbers - If financial account numbers are relevant, only the last four digits of these numbers shall be used.

(10) Format of Documents:

(A) All electronically filed pleadings, documents, and other papers shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings. Additionally, each electronically filed pleading and document shall include, either on the face of the document or a coversheet, the case caption and/or defendant's full name, case number, and the nature of the filing.

(B) Each electronically filed document shall also include the typed name, e-mail address, address, and telephone number of the attorney or pro se party filing such document. Attorneys shall include their Washington State Bar numbers on all documents requiring the attorney's signature.

(C) Documents must be converted to a text-searchable PDF compatible with the latest version of Adobe Reader. The computer file must not be password-protected, encrypted, or protected by rights management. Because scanning creates larger file sizes with images of lesser quality, scanning must be avoided when possible. To the extent possible, each text document must be converted directly into a PDF file using Adobe Acrobat, the word processing program's PDF conversion utility, or another software program. Any scanned materials must be made searchable using optical-character-recognition software, such as Adobe Acrobat. In the event that proposed orders are submitted in a case, the PDF of the proposed order must be generated directly from a word processing program.

(i) Any electronically filed document must be unalterable (such as sealed PDF), and be able to be printed with the same contents and formats as if printed from its authoring program.

a) The Court Clerk assigned to the screening of incoming e-filed document is required to verify each electronically filed document does not contain a virus or other malicious computer code. Materials submitted for e-filing found to contain a virus or malicious computer code shall be rejected for filing according to the provisions of paragraph 16(D) of this rule.

(D) Bulk filings of multiple cases or multiple documents combined into one PDF document shall not be accepted. Documents with different case numbers must be filed individually in separate transactions. Filing of individual documents within a case should be accepted in a single electronic filing transaction.

(E) Electronic documents containing links to material either within the filed document or external to the filed document are for convenience purposes only. The external material behind the link is not considered part of the filing or the basic record.

(F) A person who files a document electronically shall have the same responsibility as a person filing a document in the conventional manner for ensuring that the document is complete, readable, and properly filed.

(G) Documents not complying with the format and/or required content specified by the applicable statute, or local rule, shall be rejected for filing by the Court Clerk, in accordance with the provisions of paragraph 16(D) of this rule.

(I) Nothing in this rule alters a party's obligation to serve documents on the opposing party.

(11) Filing of Exhibits:

(A) Text Documents: See Formatting of Documents above.

(B) Physical exhibits: Physical items for which a photograph may be substituted may be electronically imaged as a PDF and e-filed. Items not conducive to electronic filing, such as documents under seal and physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's Office or in the Courtroom, as directed by order of the Court and in conformity with Supreme Court "Electronic Filing Standards and Principles". The Motion and Notice of Motion for permission to file any of these physical items may be submitted electronically.

(i) All photographic exhibits that are required to be physically filed must be filed in JPEG, PNG, or TIFF formats and must be filed with the Court in one of the data storage media types identified in paragraph F of this rule.

(C) Audio exhibits: If an audio recording is part of the record, the audio file must be included as an MPEG-1 Audio-Layer 3 file (usually referred to as .mp3). The preferred sampling rate for the file is 44.1 kHz and the preferred bit rate for the audio file is 64 Kbits/second, though the Court may request bit rates as high as 128 Kbits/second. The mp3 audio files

must use a constant bit rate. The files must not be password-protected, encrypted, or protected by rights management. Each audio file must not exceed 100 MB. If the recording is too long to fit in one file, it may be broken into multiple files.

(i) In the event a party has an audio exhibit in a non .mp3 format that cannot be converted to that format, upon approval of the Court, the party may file such audio exhibit in formats supported by media players identified in paragraph (E) below. If an exceptional circumstance requires use of a media player other than one identified in paragraph (E), then the submitter will comply with paragraph (E)(i).

(D) If a video recording is part of the record, the video file must be included as an MPEG-4 Part 14 file (usually referred to as .mp4). Data compression is encouraged; though the submitter must assure that the video and audio content have sufficient quality. The files should not be password-protected, encrypted, or protected by rights management. Each video file must not exceed 5 GB. If the recording is too long to fit in one file, it may be broken into multiple files.

(i) In the event a party has a video exhibit in a non .mp4 format that cannot be converted to that format, upon approval of the Court, the party may file such video exhibit in formats supported by media players identified in paragraph (E) below. If an exceptional circumstance requires use of a media player other than one identified in paragraph (E), then the submitter will comply with paragraph (E)(i).

(E) Media Players: The Court supports the following media players: Quick Time (Apple), VLC media player (VideoLAN Organization), or Windows media player (Microsoft).

(i) If an audio or video exhibit requires a player not supported by the Court, the party receiving approval from the Court may file the exhibit with the software necessary to view or play the file included on the same Digital Video Disc or USB Flash Drive. It must be clearly noted that a non-supported player is included on the storage media and/or the cover sheet required under the provisions of paragraph (G) below.

(G) All photographic, audio, and video exhibits must be filed with the Court on a physical Digital Video Disc “DVD” or a USB Flash Drive, labeled with the case number and attached to a cover sheet with the case caption, the name and contact information of the submitting party, and a description of the contents of the exhibit.

(H) Separator Pages: If an exhibit number is not on the exhibit image or in the exhibit file name, there must be a video/photo frame or page preceding the image to show the exhibit number.

(I) Electronic Media Exhibits – File security

All electronic photographic, audio, and/or video exhibits shall be screened by the Court to confirm the exhibit does not contain a virus or other malicious computer code. Materials submitted for filing found to contain a virus or malicious computer code shall be rejected for filing according to the provisions of paragraph 16(D) of this rule.

(12) Waiver of the Requirement to e-file for attorneys:

(A) If e-filing is mandatory and an attorney is unable to e-file documents, 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 make waiver request forms available on the court website. The Court will consider each application and provide a written approval or denial to the attorney. Waivers will be granted on a case-by-case basis. 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 e-filing 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.

(13) 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 \$15.00 fee against the attorney for each paper document filed.

(14) Character of e-filed items: Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents that are not e-filed.

(15) Time of Filing, Confirmation, and Rejection:

(A) Time of Filing

(i) A party whose filing is untimely as the result of a technical failure of the Court's e-filing application may seek appropriate relief from the Court. The Court shall consider its e-filing application to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any court day. Known systems

outages will be posted on the Court website. Users are responsible for monitoring the Court website to be aware of regularly scheduled down time for maintenance.

(ii) Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end should explore other e-filing options. The filer's login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.

(iii) Filing a document electronically does not alter filing deadlines.

(iv) Any document filed electronically shall be considered as filed with the Clerk of the Court upon review and acceptance, and the transmission has been completed with the affixing of the Clerk's electronic filing stamp.

a) If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to the Court, which was unknown to the sending party or (2) A failure to process the electronic filing when received by the Court, the Court may, upon satisfactory proof, enter an order permitting the document to be subsequently filed effective as of the date filing was first attempted.

b) In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the Court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty, or other act must be performed.

(c) The transmission date and time of transfer shall govern the electronic file mark. Pleadings received by the Clerk before midnight on a day the courthouse is open shall be deemed filed that day. If filed on a day the courthouse is not open for business, the document will be deemed filed the next business day.

(16) Confirmation of Filing:

(A) Upon receipt of submission of an electronic document to the Court, the Clerk shall issue a confirmation to the Subscriber. The confirmation shall indicate the time and date of receipt and serve as proof that the document has been submitted to the Clerk. A Subscriber will receive e-mail notification from the Clerk if a document is accepted or rejected for filing by the Clerk. In that event of rejection, the Subscriber may be required to re-file the document to meet necessary filing requirements.

(B) In the absence of the Court's confirmation of receipt and filing, there is no presumption that the Court received and filed the document. The filer is responsible for verifying that the Court received and filed any document that was submitted to the Court electronically using the Court's e-filing application.

(C) Each document reviewed and accepted for filing by the Clerk of Court shall receive an electronic file stamp. The stamp shall be endorsed in the name of the Clerk by the deputy clerk accepting the filing, and shall include the identification of the Court, the official time, and date of filing and contain the word "FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronic documents are not officially filed without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in the conventional manner.

(D) Each document reviewed and rejected for filing by the Clerk of Court shall receive an electronic rejected file stamp. The stamp shall be endorsed in the name of the Clerk by the deputy clerk accepting the filing, and shall include the identification of the Court, the official time, and date of filing and contain the phrase "REJECTED FOR eFILING". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line.

(17) Authentication of Electronic Documents.

(A) Filers agree to protect the security of their login credentials, including passwords and immediately notify the Court if they learn that their login credentials have been compromised. Sharing of login credentials with anyone is strictly prohibited. Filers may be subject to sanctions for failure to comply with this provision.

(B) Any document filed electronically, including all pleadings, motions, documents, etc., using a verified user authentication shall be deemed to have been signed by the holder of the user authentication and shall bind the signer and function as the signer's signature for any purpose, including CRLJ 11.

(i) Documents containing facsimile or typographical signatures may be filed electronically and shall be deemed to have been signed in person by the individual.

(ii) When a document has been filed electronically, the official record is the electronic record of the document as stored by the Court, and the filing party is bound by the document as filed.

(iii) Original signatures of all non-electronic filers must be obtained before filing the document. The document must indicate the identity of each non-registered signatory. The filing party must retain the original document until one year after the date that the judgment has become final by the conclusion of direct review or the expiration of the time for seeking such review.

(iv) Where a Clerk is required to endorse a document, the typed name of the clerk shall be deemed to be the clerk's signature on an electronic document.

(18) Collection of Fees:

(A) The e-filing of a document requiring payment of a statutory filing fee to the Clerk of the Court in order to achieve valid filing status shall be filed electronically in the same manner as any other e-file document.

(c) Reserved by state rule.

(d) Reserved by state rule.

(1) Reserved by state rule

(2) Reserved by state rule

(A-C) Reserved by state rule

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application, the Law Enforcement Records Management System (LERMS), the Justice Information Network Data Exchange, Automated Traffic Safety (ATS) Axisis™ or the local secured system "Xpediter" used by the

County of Spokane and City of Spokane. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) Judicial Electronic Signatures:

(i) Judicial officers may sign orders and search warrants with a digital or electronic signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the judicial officers and so long as the electronic signature is protected so that it cannot be electronically copied.

(ii) The printed version of these documents shall constitute an original order and shall be placed in, and become part of, the Court or search warrant return file.

(iii) Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

(iv) This rule may be amended or supplemented during the year by general order.

(Adopted Sept. 1, 2011; amended effective June 23, 2011; amended effective Feb. 2, 2016; amended effective Sept. 1, 2017; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021)

SPMGR 38
SUSPENSION OR MODIFICATION OF LOCAL RULES

The Court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown thereof or upon the Court's own motion.

(Adopted effective Sept. 1, 2018; amended effective Sept. 1, 2019;
amended effective Sept. 1, 2021)

SPMCR 1
SCOPE OF RULES

The Spokane Municipal Court has adopted this Local Rule to allow it to exercise jurisdiction granted in ch. 84, §4 Laws of Wash. 2013 (ESHB 1383.SL, eff. 7/28/13) to hear civil petitions for stalking anti-harassment protection orders and stalking anti-harassment no contact orders as set forth in that law.

Upon exercising such jurisdiction, it will transfer to Superior Court any petition when it is shown that (a) the petitioner, victim, or respondent to the petition is under eighteen years of age; (b) the action involves title or possession of real property; (c) a superior court has exercised or is exercising jurisdiction over a proceeding involving the parties; or (d) the action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child.

(Adopted effective Sept. 1, 2013; Rescinded Sept. 1, 2021)

SPMcrRLJ 3.1
ASSIGNMENT OF COUNSEL

(d) Assignment of Lawyer.

(1)(a) A determination of financial eligibility is valid for one hundred eighty (180) days, so long as the Defendant's financial circumstances have not materially changed.

(e) Withdrawal of Public Defender. Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation of the Defendant on any given case as follows:

(1) Immediately upon the entry of an order dismissing all counts associated with the case.

(2) For cases not assigned to a therapeutic or problem solving court docket at the time a final decision is entered by the Court on each count associated with the case, sixty (60) days following the final decision of the Court.

(3) All automatic withdrawals under the provisions of this rule shall be effective without any requirement that the withdrawing attorney appointed at public expense file a Notice of Intent to Withdraw with the Court.

(4) A "final decision" includes the Court's entry of an Order of Dismissal, judgment of "not guilty," judgment of "guilty," finding the defendant not competent to stand trial, an Order Granting Deferred Prosecution, a Stipulated Order of Continuance, or any other similar disposition.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2017; amended effective Sept. 1, 2021)

SPMCrRLJ 3.2
RELEASE OF ACCUSED

(o) Bail in Criminal Offense Cases - Mandatory Appearance.

(2) Any person arrested by a Law Enforcement Officer on Probable Cause (without an arrest warrant) for the below listed offenses shall be held in jail pending the Defendant's First Appearance in the absence of a judicial order:

(A) An offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent local ordinance.

(B) An offense classified as Harassment and/or Stalking under Chapters 10.14 and/or 9A.46 of the Revised Code of Washington or an equivalent local ordinance.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended adopted Sept. 1, 2019; Amended effective Sept. 1, 2021)

SPMcrRLJ 3.3
TIME FOR TRIAL

(f) Continuances.

Form and Procedure. A continuance in a criminal matter shall be requested using the current form published by the Spokane Municipal Court, specifically stating the facts constituting “good cause” necessary to support the continuance request under the provisions of the Court’s Continuance Policy.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2019; amended effective Sept. 1, 2021)

SPMcrRLJ 3.4
PRESENCE OF THE DEFENDANT

(a) When Necessary.

(1) Pre-trial Hearings. The assigned Judge will determine if a Pre-trial hearing shall be scheduled after the arraignment. The defendant shall be required to attend the Pre-trial hearing unless excused by the Court. Failure to attend may result in issuance of a bench warrant and/or forfeiture of any bond.

(2) Counter-Appearance. A defendant who receives a Jail Release Appearance form that does not include a hearing date must appear at the Court Appearance Counter within the time provided in the notice to obtain a hearing date. A defendant wishing to be represented by the Public Defender, and who has not been screened in the last six months, will be screened for eligibility.

(d) Video Conference Proceedings.

(2)(i) Agreement. The trial court judge may approve other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided by CrRLJ 4.2, upon agreement of the parties, either in writing or on the record.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; Rescinded Sept. 1, 2021)

SPMcrRLJ 4.1
ARRAIGNMENT

(g) Appearance by Defendant's Lawyer.

Attorneys retained by defendants, or public defenders who have assumed representation of defendants, must promptly serve written notice of their appearance upon the prosecuting attorney, and file the same with the Clerk. The notice of appearance shall be contained in a separate document.

(1) The appearance or the plea of not guilty shall be made only in writing or in open court, and eliminates the need for a further arraignment, except in cases in which one or more of the charges involves domestic violence, driving under the influence, physical control, stalking, firearms or any other offenses for which the defendant's presence is mandated by law.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2017; amended effective Sept. 1, 2021)

SPMcrRLJ 4.2
PROCEDURE UPON A PLEA OF GUILTY

(g) Written Statement. Guilty plea forms are available on the Washington State Court website <http://www.courts.wa.gov/forms>.

(i) Deferred Prosecution

a) A Petition for Deferred Prosecution shall be filed at the time a defendant moves the court to grant a deferred prosecution under RCW Chapter 10.05. The petition shall be substantially in the form provided on the Washington State Court website (<http://www.courts.wa.gov/forms>).

b) The written assessment prepared by an approved treatment facility shall be accompanied by a recommendation from Municipal Probation, or such other Court Designee authorized under Chapter 10.05 of the Revised Code of Washington.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPM CrRLJ 4.7
DISCOVERY

(e) Discretionary Disclosures.

(3) Any motion for items and information not covered by Section (a) and (d) of CrRLJ 4.7 shall be accompanied by an affidavit or sworn declaration setting forth in detail the reasons the requested items and information are material and significant enough to amount to a denial of the right to a fair trial, if not ordered discoverable, so that the Court may have a basis for its ruling.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021)

SPMcrRLJ 6.3
SELECTING THE JURY

(a) When the case is called for trial, the jurors shall be selected at random from the jurors summoned who have appeared and have not been excused.

(b) A party seeking a venire panel consisting solely of City of Spokane residents must make this request no less than six (6) weeks before the scheduled trial, pursuant to the requirements of Spokane County Jury Management.

(c) In the event that a requested jury panel is no longer needed, the requesting party must cancel the request no later than 12:00 p.m. the day prior to trial; untimely cancellation without good cause may subject the requesting party to assessed costs for incurred jury management expenses.

(Adopted effective Sept. 1, 2017; amended effective Sept. 1, 2021)

SPMcrRLJ 8.2
MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a note for "Motion" form with the Court Clerk, containing the date and time of Motion and relief sought.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to the Motion Hearing. A rebuttal brief shall be filed and served no later than three (3) days prior to the hearing. However, the Court may waive these requirements if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to notify the assigned Judge by noon of the day prior to the motion day if oral testimony is required and provide an estimated length of time required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders - Criminal Cases.

Agreed Orders may be presented ex parte for approval or denial by any Judge or Commissioner. Submitted orders that are denied must be noted on the Order and initialed by the Judicial Officer making that decision.

(d) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies shall be delivered to the Judicial Assistant by hard copy or e-mail in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date of the motion and the notation "Working Copy."

(e) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

(f) Reconsideration of Motions.

A motion for reconsideration shall be clearly labeled. Motions for Reconsideration may not simply re-argue the original motion, but must allege a change in law or circumstances

that would materially affect the Court's prior decision on the motion and may be summarily denied. A response to a Motion for Reconsideration may be filed, but is not required unless requested by the Court. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021)

SPMcrRLJ 8.4
SERVICE, FILING AND SIGNING OF PAPERS

(c) Filing with the Court.

(1) All pleadings must contain the case number(s) noted above the document title. Pleadings that do not include the correct case number may be rejected by the Clerk or returned by the Court.

(Adopted effective Sept. 1, 2011; amended effective Sept. 1, 2021)

SPMIRLJ 2.2
INITIATION OF INFRACTION CASES

(d) Filing of Notice.

(1) Whenever a Notice of Infraction has been issued and not filed with the Court within 5 days of issuance, the Clerk or his/her designee may note the citation as "Dismissed without prejudice on Court's motion per SPMIRLJ 2.2," and provide written notification to parties.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; amended effective Sept. 1, 2021)

SPMIRLJ 2.4
RESPONSE TO NOTICE

(b) Alternatives.

(4) The procedure authorized in IRLJ 2.4 (b)(4) is adopted by this Court.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

SPMIRLJ 2.6
SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1)(i) The procedure authorized in IRLJ 2.6 (a)(1)(i) for scheduling of a prehearing conference is adopted by this Court.

(Adopted Jan. 27, 2012.)

SPMIRLJ 3.3
PROCEDURE AT CONTESTED HEARING

(f) Motions and objections. The Court will not consider dispositive motions or motions to suppress evidence at the time of the contested hearing. Said motions must be brought prior to the contested hearing on a regularly scheduled infraction motion docket pursuant to CRLJ 7(b), CRLJ 11(a) and (b), and SPMIRLJ 6.8. If either party objects during the contested hearing to the admission of certain evidence, and the Court deems that if sustained suppression of the evidence would be dispositive of the case, the Court may at its discretion continue the hearing for briefing on the issue unless briefing was previously served on the Court and the opposing party at least 48 hours prior to hearing.

(Adopted effective Sept. 1, 2018; adopted effective Sept. 1, 2019)

SPMIRLJ 3.4
HEARING ON MITIGATING CIRCUMSTANCES

(c) Disposition.

(1) Written Request for Penalty Reduction. A defendant requesting a reduction of the Infraction penalty may have such determination based on his or her prior driving record without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written Order maintained in the Clerk's Office and available upon request.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011; Rescinded Sept. 1, 2021)

SPMIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

The Spokane Municipal Court has adopted a local option as set forth in IRLJ 3.5 for those electing to submit their case for decision on written statement in lieu of contesting or mitigating at a hearing on the record. If a defendant elects to contest by mail pursuant to this rule, the clerk shall notify the Prosecuting Attorney for the City, so they may submit additional evidence for consideration. This paragraph does not apply to: (i) Parking infractions charged under SMC 16A.61, (ii) infractions issued through a photo enforcement system pursuant to SMC 16A.64, or (iii) traffic infractions not involving a vehicle collision.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2012; amended effective Sept. 1, 2021)

SPMIRLJ 6.8
MOTION PRACTICE

All motion settings shall be served on the Prosecuting Attorney for the City five (5) days prior to the date set on the Motion and Order Form. The Municipal Court Clerk's Office shall furnish dates each week for the hearing of motions on contested infractions. It will be at the discretion of the Judge or Commissioner, after ruling on the motion, whether the infraction can then proceed to contested hearing immediately, or be reset on a contested docket. Failure to comply with the above procedure may result in the Court striking the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)