

# **WHITMAN COUNTY DISTRICT COURT**

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**Administrative Rules**

**WCLARLJ 3 – Definitions.**

- (a) **Name of Court.** The Whitman County District Court consists of two branches (Pullman and Colfax) and operates in facilities in one judicial district. Reference to a particular physical location shall specify the specific branch. The branches are located at:
- (1) Colfax Branch: Whitman County Courthouse, 400 N Main St., Colfax, WA 99111 509-397-6260
  - (2) Pullman Branch: 325 SE Paradise St., Pullman, WA 99163 509-332-2065
- (b) "Judge" means a current appointed or elected Whitman County District Court Judge.
- (c) "Judicial Officer" means Judges as defined in WCLARLJ 3(b), Whitman County District Court Commissioners and Whitman County District Court Judges Pro Tempore.
- (d) "Physical-Appearance" and "Physically Appear" means-physically present in the courtroom.
- (e) "Remote Appearance" and "Remotely Appear" mean present through remote technology approved by the court. Participants are responsible for their own device and internet connection. Failure to connect to the hearing at the scheduled start time or disconnecting prior to the conclusion of the hearing may be considered a failure to appear.
- (f) "Remote technology" means technology that permits all participants to see and hear each other during the proceedings, speak as permitted by the judge, and allows confidential communications between counsel and client. The remote connection shall be of sufficient quality to ensure that participants are clearly visible, and the audio connection permits the making of the official court record of the proceedings.
- (g) "Participant" means any person appearing in a court proceeding and includes, but is not limited to, (A) the plaintiff, defendant, petitioner or respondent; (B) counsel for the plaintiff, defendant, petitioner or respondent; (C) witnesses; (D) interpreters; (E) jurors; and (F) court reporters for depositions.
- (h) "Court proceeding" means all court hearings, depositions, and all other proceedings over which the court exercises jurisdiction.

[Effective September 1, 2024]

### **WCLARLJ 5 – Presiding Judge.**

- (i) **Election and Term of Office.** The elected Judge shall serve as the Presiding Judge. The Court shall be managed by the Presiding Judge or, in the absence of the Presiding Judge, the Presiding Judge Pro Tempore.

[Effective September 1, 2024]

### **WCLARLJ 5.2 - Commissioners and Judges Pro Tempore.**

- (a) Court Commissioners shall serve at the pleasure of the Judges and under the direction of the Presiding Judge.
- (b) Commissioners shall be compensated at a rate of pay established in the Court’s annual budget.
- (c) Judges Pro Tempore shall be compensated in an amount that does not exceed the daily rate of compensation earned by Commissioners.
- (d) The Presiding Judge may appoint Pro Tempore Commissioners as authorized by County ordinance. Pro Tempore Commissioners shall be compensated at the same rate as Judges Pro Tempore.

[Effective September 1, 2024]

### **WCLARLJ 6 – Recording of Proceedings.**

The recording or dissemination of the broadcast of any court proceedings through video conferencing is not permitted without written permission of the judicial officer conducting the hearing.

[Effective September 1, 2024]

### **WCLARLJ 15 – 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 unless the participant needing interpreter services is required to physically appear or at the discretion of the court.
- (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.

[ Effective September 1, 2024]

## General Rules

### WCLGR 30 - Electronic Filing and Service

#### (a) Electronic filing (“eFile”) authorization, charges, exceptions, and waiver

- (1) **Mandatory Electronic Filing.** Effective 30 days after the implementation of Enterprise Justice Case Management System (expected October 2024), 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 documents 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 pleadings as “working copies” for judicial officers.
- (4) **Waiver of the Requirement to eFile for attorneys.**
  - (a) If an attorney is unable to eFile 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 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**

### **SCLCRLJ 1 – Appearance of Participants.**

(a) Participants may remotely appear for the following civil proceedings:

- (1) Petition for a change of name.
- (2) Small Claims hearings with pre-approval from the court.
- (3) Civil motions without testimony.

[Effective: September 1, 2024]

### **SCLCRLJ 26 – Document Admissibility.**

(a) **Certain Documents Admissible.** Subject to the requirements of ER 904, the following documents are admissible in a civil case:

The written statement of any witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury.

[Effective September 1, 2024]

### **SCLCRLJ 38 – Jury Trial**

(a) **Confirmation Required.** The court shall schedule a Jury Trial Readiness hearing no less than 10 days prior to the scheduled Jury Trial. The parties shall appear at the hearing to confirm the case is going to proceed to jury trial. Failure to appear will result in striking the jury trial from the court's calendar.

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

[Effective: September 1, 2024]

## **Special Proceedings Rules**

### **WCLSPRLJ 1 – 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. 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.

[Effective September 1, 2024]

## **Infraction Rules**

### **WCLIRLJ 3.1 – Preliminary Procedures for Contested Hearings**

- (a) Subpoenas:** Any party seeking to subpoena any witness, including a law enforcement officer shall comply with applicable Infraction Rules for Courts of Limited Jurisdiction. Subpoena forms can be found on [www.whitmancounty.net](http://www.whitmancounty.net) and available at both the Pullman and Colfax Clerk's Office. Subpoenas must be served at least seven (7) days before the hearing and a copy of the subpoena must be filed with both the court and the Whitman County Prosecutor's Office.
- (b) Contested Hearings, Motions to Suppress.** Litigants and lawyers may file a written brief in support of any motion to suppress evidence and/or motions to dismiss. Any written motions must be filed with the court and prosecutor no later than five (5) judicial days prior to the Contesting Hearing. If no written brief is filed, the Court may reset the contested hearing in order to allow the prosecutor the opportunity to respond to driver's motion.
- (c) Length of Contested Hearings.** Due to the volume of cases and the need to adequately address each case, traffic litigants or lawyers representing traffic litigants are encouraged to contact the court clerk to schedule hearings that are expected to require a greater length of time.

### **WCLIRLJ 3.5 – Decisions on Written Statements.**

- (a)** Decisions on written statements are authorized pursuant to IRLJ 3.5(a).  
[Effective September 1, 2024]

### **WCLIRLJ 3.6 - Appearance of Participants.**

- (a)** Participants may remotely appear for mitigation and contested infraction proceedings.  
[Effective September 1, 2024]

### **WCLIRLJ 6.6 - Maintaining Certificates as Public Records**

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.

[Effective September 1, 2024]

## **Criminal Rules**

### **WCLCrRLJ 3.1 – Certificates of Compliance for Indigent Defendants.**

- (a) All lawyers performing any court appointed representation of indigent Defendants shall file Certificates of Compliance with the Standards for Indigent Defendants required by CrRLJ 3.1. Certificates shall be filed quarterly with the Whitman 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 Whitman County District Court Clerk's Office.

[Effective September 1, 2024]

### **WCLCrRLJ 3.2 – Bail.**

- (a) A person subject to custodial arrest for a misdemeanor or gross misdemeanor offense shall be held in custody until they have posted bail according to the bail schedule set forth below or appeared before a Judicial Officer.
  - (1) Except as provided in subsections (2) and (3) below, bail for a person arrested and booked into jail for a misdemeanor offense shall be \$500.00 and bail for a person arrested for a gross misdemeanor offense shall be \$1,000.00.
  - (1) Offenses alleged to be committed in violation of RCW 10.99, Domestic Violence: Pursuant to 10.99.045, a person arrested pursuant to RCW 10.31.100(2)(a) – (d) shall be held in custody until they appear before a judge on the next judicial day in absence of a judicial order.
  - (2) Driving Under the Influence or Physical Control: Bail for a person arrested and booked into jail for a violation of RCW 46.61.502 or RCW 46.61.504, and where RCW 10.31.100(16)(a) is not applicable, shall be \$1,000.
  - (3) Pursuant to RCW 10.31.100, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 (Driving Under the Influence) or RCW 46.61.504 (Physical Control of a Vehicle Under the Influence) or an equivalent local ordinance and the police officer: (i) has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within 10 years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

NOTE: A police officer is not required to keep a person in custody if the person requires immediate medical attention and is admitted to a hospital.

- (b) A person subject to custodial arrest for a felony offense shall be held in custody until they have posted bail according to a bail schedule established by the Superior Court or appeared before a Judicial Officer.
- (c) Nothing in this rule shall limit the authority of a Judicial Officer to deviate from the bail schedule.

[Effective September 1, 2024]

### **WCLCrRLJ 3.4 – Appearance of the Defendant and Other Hearing Participants.**

#### **(a) Hearings Where Defendant Must Physically or Remotely Appear.**

- (1) Compliance hearings pursuant to RCW 10.21.055 and RCW 9.41.800. Compliance with these statutes is a condition of release set by the Court and verification of timely compliance with these statutes has public safety implications. A defendant failing to comply with release conditions is subject to review and modification of release conditions and subject to revocation of release on personal recognizance. Defendants have a due process right to notice and a hearing before any revision of release conditions. CrRLJ 3.2(j). The Court cannot properly conduct a hearing pursuant to CrRLJ 3.2(j) unless the defendant appears physically or remotely.
- (2) Modification of Release Conditions Pursuant to CrRLJ 3.2(j). A defendant has a due process right to be advised of the allegations of non-compliance with release conditions, the right to a hearing regarding those allegations, and the right to present evidence and testify on their own behalf. The Court cannot properly conduct a hearing pursuant to CrRLJ 3.2(j) unless the defendant appears physically or remotely.
- (3) Trial Readiness Hearings. The Court must manage the jury trial caseload and Trial Readiness calendars. Leaving continuances and confirmation of cases to the assigned trial date would preclude the Court from determining the need for jurors, impede the timely commencement of trials, and prevent the Court from fulfilling the responsibility to protect the time for trial rights of the parties.
  - (A) Continuances. Defendants represented by counsel may waive their presence at Trial Readiness Hearings, upon a form approved by the Court, if a continuance of the trial date is requested by either party. Unrepresented defendants must physically appear at Trial Confirmation if a continuance of the trial date is requested by either party. A continuance is a critical stage of the proceedings, implicating constitutional and court rule rights, and the defendant has the right to appear. A motion to continue cannot be heard in the absence of an unrepresented defendant.
  - (B) Trial Confirmation. Cases confirmed for the assigned trial date at Trial Readiness require the parties to call the case ready for trial. This affirms that discovery has been

completed, necessary pre-trial motions have been resolved, witness interviews have been completed, the defendant confirms availability for the trial, and the matter is ready to proceed to trial. The Court cannot properly assess the readiness of the parties to proceed to trial unless the defendant appears physically or remotely.

- (4) Motion to Quash Bench Warrant. Defendant must appear personally, remotely or through counsel for a motion to quash a bench warrant. The court has the discretion to require personal appearance.
- (5) Initial Appearances for Probation Violations. Defendant shall appear remotely, physically or through counsel for initial appearances in response to an alleged violation of probation. The court has the discretion to require personal appearance.

**(b) Hearings Where Defendant Must Physically Appear.** Pursuant to CrR 3.4(d), the Court finds good cause to require the defendant to physically appear for the hearings set forth in Section (b) of this rule. For all hearings listed in Section (b), deficiencies in technology available to the Court and hearing participants, and not known to the Court until the time of the hearing, result in actual prejudice to the defendant by interfering with access to counsel and interfering with the ability to meaningfully participate in the hearing. Technology deficiencies result in longer hearings and prevent the Court from completing the balance of the cases assigned for that calendar. Technology limitations preclude the remote presentation of evidentiary exhibits in a manner that permits the exhibits to be retained by the Court as required as well as the exchange of any other necessary documents. Additional good cause findings supporting the requirement to be physically present are set forth below.

- (1) Hearings identified in CrR 3.4(b), which includes: a) arraignment (if one is held); b) at every stage of the trial including the empaneling of the jury and the return of the verdict; c) the imposition of sentence, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.
- (2) Evidentiary Motions. Pre-trial hearings to admit or exclude evidence require testimony. Evidentiary motions are a critical stage of the proceedings, and the defendant has the right to be present and may testify. The Court is often not aware whether the defendant will testify at the hearing until the hearing has commenced. The Court cannot properly assess witness testimony unless witnesses physically appear.
- (3) Guilty Plea, Entry of Deferred Prosecution. Entering a guilty plea or deferred prosecution requires the waiver of constitutional rights. The Court cannot properly assess whether that decision is made knowingly, voluntarily, and intentionally unless the defendant physically appears.
- (4) All Probation Violation Hearings. A defendant has the right to present evidence at a probation review hearing. The Court is often not aware whether the defendant will testify at the hearing until the hearing has commenced. The Court cannot properly assess witness testimony unless witnesses physically appear.

(5) Jury Trial Confirmation. Unless otherwise ordered by the court, all parties shall physically appear at the Jury Trial Readiness Hearing.

- (c) The Defendant's attorney shall physically appear for all hearings the Defendant is required to physically appear.
- (d) The prosecutor shall physically appear for all hearings the Defendant is required to physically appear.
- (e) Notwithstanding the above, the judicial officer retains the discretion to allow remote appearance or order a Defendant or other hearing participant to physically appear if good cause exists.

[Effective September 1, 2024]

### **WCLCrRLJ 3.7 – Pre-Trial Motions.**

- (a) **Confirmation Required.** Two court days prior to the calendared hearing date, the party demanding a CrRLJ 3.5 hearing and the moving party for all motions filed pursuant to CrRLJ 3.6, WCLCrRLJ 3.7(b), CrRLJ 8.3 and any other motion to suppress evidence or motion to dismiss, shall email confirmation to [district.court@whitmancounty.gov](mailto:district.court@whitmancounty.gov) between 8:30 AM and 4:30 PM, and confirm that the motion is going to proceed. Confirmation must include the name of the person confirming, the party they represent, the case number and whether the defendant is in custody. Failure to confirm may cause the case to be stricken from the motion calendar.
- (b) **Pre-Trial Motions.** Unless otherwise ordered by a Judicial Officer, motions pursuant to CrRLJ 3.5 and CrRLJ 3.6 shall be heard not later than 1 week prior to the trial date.
- (c) **Timing.** The filing, content and calendaring of motions is governed by CrRLJ rules 3.6, 8.1 and 8.2, unless a different period is fixed by court rule or by order of the court.

[Effective September 1, 2024]

### **WCLCrRLJ 6.1.1 – Trial By Jury.**

- (a) **Confirmation Required.** The court shall schedule a Jury Trial Readiness hearing to be held no less than 10 calendar days prior to the scheduled Jury Trial, unless otherwise set by the court. The parties shall appear at the hearing to confirm the case is proceeding to jury trial and to confirm all pre-trial issues have been addressed or will be scheduled to be heard prior to trial. Failure to appear will result in striking the jury trial from the court's calendar and may result in the issuance of a bench warrant for the Defendant's arrest.
- (b) **Trial Briefs and Motions in Limine.** All trial briefs and motions in limine shall be filed with the Court and opposing party no later than noon on the next judicial day following confirmation at the Jury Trial Readiness hearing.

[Effective: September 1, 2024]

### **WCLCrRLJ 7.1 – Deferred Prosecution, Petition, and Order.**

**(a)** All petitions for Deferred Prosecution pursuant to Chapter 10.05 RCW shall include the following requirements:

- (1) The Petition, proposed Order and all documentation required by this rule shall be filed with the Probation Department and the prosecuting authority no later than seven (7) days prior to the proposed entry date.
- (2) The Petition and Order shall be submitted on forms approved for use by the Court.
- (3) The Petitioner shall submit proof of completion of at least eighteen (18) hours of treatment and proof of compliance with the recommended treatment program.
- (4) The Petitioner shall submit proof of installation of an ignition interlock device if the substance use disorder assessment includes a finding of alcohol dependency. A Petitioner who will not be operating a motor vehicle may sign a declaration of non-driving and may not operate any motor vehicle without an ignition interlock device.

**(b)** A Mental Health Deferred Prosecution shall include the following requirements:

- (1) A minimum of two (2) years of mental health treatment with a Washington State licensed mental health provider.
- (2) Total abstinence from alcohol and all other non-prescribed mind-altering drug.
- (3) Proof of a substance use disorder assessment from a Washington State licensed or certified substance abuse treatment provider and compliance with the recommended course of treatment unless waived by a Judicial Officer.

**(c)** A Domestic Violence Deferred Prosecution shall include the following requirements:

- (1) A risk assessment finding of Level 3 or Level 4 pursuant to Chapter 388-60B WAC.
- (2) Proof of a substance use disorder assessment from a Washington State licensed or certified substance use disorder provider and compliance with the recommended course of treatment unless waived by a Judicial Officer.
- (3) Proof of compliance with any weapons surrender orders issued pursuant to RCW 9.41.800.
- (4) Five years of probation supervision.
- (5) No new criminal law violations during the probation period.

[Effective September 1, 2024]

