

Chelan County District Court
Local Court Rules

Table of Rules

CIVIL RULES

LCRLJ 38	Civil Jury Trial
LCRLJ 54	Attorney Fees
LCRLJ 65	Issuance of Judicial Subpoena

CRIMINAL RULES

LCrRLJ 2.1(e)	Withdrawal of Complaint/Citation
LCrRLJ 3.1(d)	Right to and Assignment of Lawyer
LCrRLJ 3.1(e)	Withdrawal of Counsel
LCrRLJ 3.2(o) (p)	Release of Accused
LCrRLJ 3.4	Presence of Defendant
LCrRLJ 4.1	Arraignment
LCrRLJ 4.1(d)	Crimes Requiring Defendant's Appearance at Arraignment
LCrRLJ 4.2(i)	Deferred Prosecution
LCrRLJ 4.8	Witnesses Process Subpoenas WITHDRAWN
LCrRLJ 6.1	Pre-Jury Trial Conference/Readiness Hearing
LCrRLJ 6.13(b)	Evidence - Blood Draw Certification
LCrRLJ 8.2	Motions

INFRACTION RULES

LIRLJ 2.6(c)	Mitigation Hearing on Written Statement
LIRLJ 3.1	Contested Hearings - Preliminary Proceedings
LIRLJ 3.3(b)	Representation by Lawyer
LIRLJ 3.3(b) (1)	Waiver of Personal Appearance
LIRLJ 3.3(b) (2)	Notice of Appearance by Counsel

EXHIBITS

Exhibit LCrRLJ 3.1(d) (1)	Declaration of Indigency
Exhibit LCrRLJ 3.1(d) (2)	Notice of Potential Liability for Attorney Fees
Exhibit LCrRLJ 4.2(i) (A)	Petition for Deferred Prosecution
Exhibit LCrRLJ 4.2(i) (B)	Order of Referral for Evaluation
Exhibit LCrRLJ 4.2(i) (C)	Statement of Defendant on Petition for Deferred Prosecution/Stipulation to Facts
Exhibit LCrRLJ 4.2(i) (D)	Order Deferring Prosecution
Exhibit LCrRLJ 2.6 (C)	Request for Hearing on Written Statement

CIVIL JURY TRIAL

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

(B) Imposition of Costs. Whenever any cause assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. If notification is not given forty-eight hours prior to the time of the trial, and in any event after the jury has been summoned orally or in writing, the court in its discretion may order payment of the actual costs of the jury panel by the offending party.

(NOTE: THERE IS NO PROVISION FOR REFUND OF THE JURY FEES.)

(C) Pre-trial Procedure. All cases set for jury trial shall be set for pre-trial conference, which shall be held at least two weeks prior to trial. The attorneys who are to conduct the trial and all parties shall be present to consider such matters as will promote a fair and expeditious trial. All discovery should be completed five days prior to said conference. Opposing counsel or party must be given five days notice of pre-trial motions to be heard at the pre-trial conference. Any pre-trial motions requiring the testimony of witnesses for argument may, in the discretion of the court, be continued to the day of trial. All amendments, pleadings, and motions should be made or be completed at this conference. Upon failure to appear, the judge may proceed with the conference ex-parte, and enter any appropriate order including striking the jury demand and may impose terms.

Insofar as practical, the conference shall deal with any matter cognizable by Superior or District Court Rule and failure to raise the matter may result in the waiver of the same.

[Effective September 1, 2006]

ATTORNEY FEES

In civil default cases where attorney fees are authorized by statute or by written agreement, the following fee schedule shall be deemed reasonable in all default cases unless the parties present evidence of circumstances that convinces the court that a larger or smaller fee should be awarded, provided, however, the court shall have authority to vary from this schedule on its own motion:

SCHEDULE FOR REASONABLE ATTORNEY FEES
IN DEFAULT CASES
(Unless limited by statute)

\$0 to \$1,000	\$300
\$1,000.01 to \$1,500	\$325
\$1,500.01 to \$2,000	\$350
\$2,000.01 to \$2,500	\$375
\$2,500.01 to \$3,000	\$400
\$3,000.01 to \$4,000	\$425
\$4,000.01 to \$5,000	\$450

For judgment amounts exceeding \$5,000, reasonable attorney fees may be allowed of 10% of any balance over \$5,000, without formal justification or documentation.

NSF Checks: When RCW 62A.3-515 has been followed, reasonable attorney fees will be awarded in an amount to be determined by reference to RCW 12.20.060 unless the attorney convinces the court that a larger fee should be awarded and provides an itemized affidavit as to actual time spent and hourly rate expended by the attorney in the case, in which case the court shall determine a reasonable fee. A reasonable handling fee awarded pursuant to 62A.3-515 shall not exceed \$40 per check.

Where only statutory attorney fees are authorized, the default judgment shall include, and the court will approve, only attorney fees in the statutory amount as applicable at the time of entry of the judgment.

Amended effective 09/01/2011

LCRLJ 65

ISSUANCE OF JUDICIAL SUBPOENA PURSUANT TO RCW 50.13.070

(1) MOTION FOR SUBPOENA; DEMAND FOR HEARING. A Judgment Creditor may request that the Court issue a subpoena for employment records pursuant to RCW 50.13.070 upon the filing and service of a motion supported by an affidavit or declaration and notice directed to the Clerk of the Court and the Judgment Debtor. The notice shall indicate that the Judgment Creditor holds an unsatisfied judgment against the Judgment Debtor, that the Judgment Creditor has requested the Court to issue a subpoena pursuant to RCW 50.13.070, that the motion will be granted as a matter of course unless the Judgment Debtor demands a hearing within 14 days of the date of mailing of the notice. The notice shall indicate that the legal issue at the hearing on the motion is any privacy concern that the Judgment Debtor may have and whether or not it outweighs the Judgment Creditor's interest in collection on the judgment.

The Judgment Creditor shall also serve upon the Judgment Debtor a Demand and Notice of Hearing form which the Judgment Debtor may complete. The Demand and Notice shall also provide the Judgment Debtor with instructions regarding completing the form and service of the form on the Court and the Judgment Creditor. The Demand and Notice of Hearing form shall contain a

date for hearing on the Court's 9:00 civil motion calendar held the fourth Friday of each month, which hearing shall not be less than 7 days from deadline to respond to the Motion. The forms provided in this rule are deemed to satisfy the requirements of this rule.

(2) ISSUANCE OF SUBPOENA, EX PARTE. If the Judgment Creditor files the motion, notice, and Demand and Notice of Hearing form along with evidence of service, and the Judgment Debtor fails to complete and timely file the Demand and Notice of Hearing, the Court may issue the subpoena without a hearing or further notice to the Judgment Debtor.

(3) HEARING REGARDING ISSUANCE OF SUBPOENA. If the Judgment Debtor timely completes and files the Demand and Notice of Hearing form, the clerk shall docket the matter for hearing on the date and time set out in the demand.

FORMS

1. MOTION

(Judgment Creditor), Judgment Creditor and Plaintiff in this matter, moves the Court for a subpoena pursuant to RCW 50.13.070.

This motion is based on the fact that Judgment Creditor holds an unsatisfied judgment against (Judgment Debtor) and is in need of information which is deemed confidential by RCW 50.13.020, in order to obtain a source of assets to satisfy the judgment.

Dated: _____

/s/ (Judgment Creditor's Attorney)
Attorney for (Judgment Creditor)
(Address)
(City, State, Zip Code)

2. SWORN DECLARATION FOR ORDER FOR SUBPOENA; RCW 50.13.070

I am the (attorney for) (authorized agent of) the above-named Plaintiff;

Plaintiff has a judgment wholly or partially unsatisfied against the Defendant in the Court from which this order is sought;

Plaintiff has reason to believe and does believe that the below-named Defendant is employed and/or has assets in excess of those exempt from garnishment under Washington law:

Defendant Name: (Defendant's name) SSN: ***-**-____)

Plaintiff believes the Department of Employment Security has information concerning Defendant's past and current employment. Plaintiff needs the information in order to collect this unpaid judgment.

I certify under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

Signed _____ at _____, _____.
(Date) (City) (State)

/s/ Judgment Creditor's Attorney
or Authorized Agent

3. NOTICE

TO THE CLERK OF THE COURT,
AND TO (Judgment Debtor),

JUDGMENT DEBTOR:

Please take notice that (Judgment Creditor) has requested this court to issue a subpoena directed to the Washington State Employment Security Department, in order to obtain your employment records.

In order for the Court to issue the subpoena, the Court must find that (Judgment Creditor) holds a judgment against you, that the judgment has not been paid in full, and that (Judgment Creditor's) need for the information outweighs concerns you have regarding the privacy of this information.

You may:

- (1) Choose not to act, and the Court will issue the subpoena without further notice to you; or
- (2) Demand and attend a hearing.

If you choose to demand a hearing, you must complete the enclosed Demand and Notice of Hearing form and file it with the Chelan County District Court and mail it to the Judgment Creditor at the addresses below within 14 days of the date of mailing of this notice to you. The Date, Place and Time for your hearing is contained in the Demand and Notice of Hearing. At the hearing, you will have an opportunity to present privacy concerns that you may have.

Please keep a copy of the Demand for your records. This is your opportunity to be heard and this is the only notice you will receive. The motion will be granted unless you demand a hearing as described herein. Your deadline to file and serve the Demand and Notice of Hearing is (Date).

Dated: _____

Chelan County District Court
350 Orondo Avenue, Floor 4
Wenatchee, WA 98801

/s/ Judgment Creditor's Attorney
Attorney for (Judgment Creditor)
(Address)
(City, State, Zip Code)

4. DEMAND AND NOTICE OF HEARING (RCW 50.13.070)

TO THE CLERK OF THE COURT,
AND TO JUDGMENT CREDITOR:

Please take notice that the Judgment Debtor hereby demands a hearing regarding the issuance of a subpoena for records held by the Washington State Employment Security Department for Employment Records pursuant to RCW 50.13.070.

The hearing shall be on the (date - 4th Friday of month) at 9:00 a.m. or as soon thereafter as it may be heard at the Chelan County District Court, located at 350 Orondo Avenue, Wenatchee, WA 98801.

This Demand and Notice of Hearing must be filed with the court and mailed to (Judgment Creditor) on or before (Date) at the following addresses:

Chelan County District Court
Creditor's Attorney)
350 Orondo Avenue, Floor 4
Wenatchee, WA 98801

(Judgment
Attorney for (Judgment Creditor)
(Address)
(City, State, Zip Code)

Dated: _____

/s/ Judgment Debtor

5. SUBPOENA

The Court considered the file herein and the Plaintiff's motion. The Court finds that the Plaintiff is a Judgment Creditor in this matter. The Plaintiff's need for employment information in order to allow the Plaintiff to discover a source to satisfy that judgment outweighs the privacy and confidentiality concerns of the Defendant/Judgment Debtor. The information is otherwise accessible through a proceeding under RCW 6.32.010.

Finding that the requirements of RCW 50.13.070 have been met, the Court orders as follows:

TO THE EMPLOYMENT SECURITY DEPARTMENT OF WASHINGTON:

You are hereby directed to provide employment information to (Judgment Creditor) for the following individuals for a period of 2 years from the date this subpoena is issued:

(Judgment Debtor)

Issued on: _____

Judge
Chelan County District Court

(Effective September 1, 2020)

LCrRLJ 2.1c

WITHDRAWAL OF COMPLAINT/CITATION

At any time prior to 48 hours after a first court appearance, the court shall permit withdrawal of a criminal complaint or citation upon written notice of the prosecuting authority. The prosecuting authority shall send a copy of the notice to the defendant and defense counsel.

[Effective 09/01/2019]

LCrRLJ 3.1(d)

RIGHT TO AND ASSIGNMENT OF LAWYER

Indigent defendants shall have counsel appointed to represent them in all criminal cases unless the right to counsel is waived. Indigency shall mean an inability to pay an attorney a reasonable fee for the services which appear to be required by reason of the crime charged without substantial hardship to the defendant or the defendant's family. Defendants who request appointment of counsel may be required to promptly execute a financial disclosure under oath, which shall be filed in substantially the form set forth in Exhibit LCrRLJ 3.1(d)(1) and (2).

All appointments of counsel by reason of indigency are expressly contingent upon indigency and full disclosure of assets. Where assets are discovered or acquired subsequent to appointment which would indicate that the defendant can afford to retain counsel, or if the defendant can afford partial payment, fees may be ordered paid, pursuant to the appointment agreement, by the court.

Upon appointment of counsel for indigent criminal defendants or other litigants, the Clerk shall promptly provide counsel with notice of the appointment.

An attorney representing a defendant in a criminal case must promptly serve a written notice of appearance upon the prosecuting attorney and file the same with the clerk of the court. The attorney must certify to the court that he or she complies with the applicable Standards for Indigent Defense approved by the Supreme Court.

[Effective September 1, 2013]

LCrRLJ 3.1(e)

WITHDRAWAL OF COUNSEL

Whenever a case is set for trial, no lawyer shall be allowed to withdraw except upon the consent of the court, for good cause shown, and upon the substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer. Consent may be denied if necessary to prevent a continuance.

All counsel shall be automatically terminated as counsel of record upon the following:

- (1) entry of Judgment and Sentence following a plea of guilty;
- (2) at the conclusion of the 30-day appeal period after entry of a Judgment and Sentence resulting from a verdict of guilty after trial; or
- (3) entry of an order deferring sentencing, a dispositional order of continuance, an order deferring prosecution, or any final disposition which is appealable; provided that, in cases involving a subsequent hearing as a direct consequence of the sentence, such as a restitution hearing, representation will terminate upon completion of such hearing.

[Amended Effective September 1, 2022]

(Explanation: corrects what appears to be a "typo.")

LCrRLJ 3.2(o)

RELEASE OF ACCUSED

(o) Domestic Violence Offenses. Any person subjected to custodial arrest for any offense classified as Domestic Violence under Chapter 10.99 of the Revised Code of Washington or an equivalent ordinance shall be held in jail without bail pending their first appearance in court.

[To be adopted on an emergency basis upon completion of 30-day comment period, then to be effective on a permanent basis beginning September 1, 2022]

[Explanation: Currently, those subjected to custodial arrest on a domestic violence offense may post bond/bail and secure release. Prior to release, the on-call judge is called by jail staff and is read the probable cause statement supplied by the arresting officer. If probable cause is determined, a simple No Contact Order is entered and remains in place until the defendant's first hearing in court. However, this process does not allow the court to review the information the court is required to consider regarding firearms surrender pursuant to RCW 10.99.040(2) and RCW 9.41.800 when such a No Contact Order is entered. This proposed local rule will remedy that issue.]

LCrRLJ 3.2(p)

RELEASE OF ACCUSED

(p) Approving Bail. Bail bondsmen, who have justified their qualifications to the District Court in the manner set forth hereafter, shall be deemed approved to provide bail bonds to defendants in criminal cases in an amount not exceeding the limits prescribed in the order of justification. All petitions shall be accompanied by a proposed order of justification. An initial petition shall be accompanied by a full filing fee. Renewal petitions shall be accompanied by an ex parte fee. Petition for renewal must be filed on or before April 30 of each year otherwise a full filing fee is due. The petition for renewal will include a verified statement that either there have been no material changes since the last petition or will set forth the changes.

Upon failure of a bondsman to pay into the court, within ten (10) days of notice of an ordered forfeiture, the amount of any bond forfeited by order of the court, the justification of said bail bondsman shall be immediately revoked. The sum so deposited shall be held in the registry of the court for sixty (60) days and should the person for whose appearance the bond was given be produced within said period, the judge may vacate the order and judgment forfeiting the bond on such terms as may be just and equitable. In any case where the bondsman has not previously justified qualification, the bond must be submitted to and approved by the presiding judge or the judge's designee. In order to obtain prior justification and approval of the court to provide bonds as an individual surety, the following requirements shall be met:

- (1) Provide the court verifiable documentary evidence of qualification, including but not limited to a current financial statement.
- (2) Provide a current list of all bonds on which the bondsman is obligated in any court of this state, including on the list the name of the court and defendant and the amount of the bond.

In the case of individuals seeking prior justification to write bail bonds on behalf of a corporate surety, the applicant must provide the court with the following:

- (1) A certified copy of a power of attorney showing authorization of the applicant to act for the corporate surety.
- (2) A letter from the Insurance Commissioner of Washington State indicating that the corporate surety is authorized to do business in this state.

The judge of the court may approve and justify any bail bondsman upon receipt of the above information. In the event of disqualification, the bail bondsman shall be promptly notified and may seek a hearing before the judge on the issues of qualification.

[Explanation: To establish bail bondsman justification requirements, forfeiture procedures, and filing procedures.]

LCrRLJ 3.4

PRESENCE OF DEFENDANT

1. The court finds good cause to require the defendant's in-person appearance for the following necessary hearings:

(a) Preliminary Hearings. The court finds good cause to require in-person appearance of all out-of-custody defendants at preliminary appearances. In-person appearance is required because, should the court find probable cause for the charge(s), the Court will determine whether release should be denied or whether conditions should attach to release on personal recognizance. Preliminary hearings for defendants in custody at Chelan County Regional Jail will be conducted via videoconferencing.

(b) Compliance hearings pursuant to RCW 10.21.055 and RCW 9.41.800. The Court finds good cause to require the in-person appearance of all defendants at compliance hearings pursuant to RCW 10.21.055 (alcohol monitoring) and RCW 9.41.801 (weapons surrender). 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. Non-compliance may result in review of release conditions. A defendant failing to comply with release conditions is subject to modification of release conditions and revocation of release on personal recognizance. Defendants have a due process right to notice and a hearing before any revision of release conditions. CrRLC 3.2(j).

(c) Modification of Release Conditions Pursuant to CrRLJ 3.2(j). The Court finds good cause to require the in-person appearance of all defendants for hearings pursuant to CrRLJ 3.2(j) to modify release conditions or revoke release on personal recognizance. A defendant has a due process right to be advised of the allegations of non-compliance with release conditions and to have a hearing regarding those allegations. The Court cannot conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.

(d) Trial Readiness Hearings. The court finds good cause to require the in-person appearance of all defendants for Trial Readiness in order for the Court to properly manage the jury trial caseload and Trial Readiness calendars. Defendants represented by counsel may waive their appearance at Trial Readiness, as provided by other local court rule, if a continuance of the trial date is requested by either party.

Unrepresented and self-represented defendants must personally appear at Trial Readiness if a continuance of the trial date is requested by either party. A continuance is a critical stage of the proceedings and the defendant has the right to appear. A motion to continue cannot be heard in the absence of an unrepresented or self-represented defendant.

The Court cannot properly assess the readiness of the parties to proceed to trial in the defendant's absence. Leaving continuances,

disposition and confirmation of cases to the assigned trial date would unreasonably congest the trial day calendar, preclude the Court from determining the need for jurors, impede the timely commencement of all trials for that term, and prevent the Court from fulfilling the responsibility to protect the time for trial rights of the parties.

(e) Sentence Compliance Hearings. The Court finds good cause to require the in-person appearance of all defendants for Sentence Compliance (Probation) hearings. A defendant has a due process right to be advised of the allegations of non-compliance with probation conditions, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The Court cannot conduct a sentence review in the absence of the defendant.

2. The defendant's in-person appearance may be waived at the discretion of a judicial officer.

[Effective September 1, 2021]

LCrRLJ 4.1

ARRAIGNMENT

(h) Presence of Defendant. Defendant's presence at the scheduled arraignment is necessary. A lawyer's notice of appearance or a plea of not guilty entered on behalf of a client shall not excuse the defendant's presence at arraignment. If a defendant appears at arraignment with counsel who has already filed a notice of appearance. The court may then accept the notice of appearance as waiver of formal arraignment as provided on CrRLJ 4.1(g)

(i) Pre-Trial Hearing and/or Trial Setting. At the arraignment hearing, the court may set future pretrial hearings and/or Trial Readiness and trial dates. If a re-trial hearing is set, the court will determine whether or not good cause exists to require the defendant's present at the next hearing.

[Effective September 1, 2021]

LCrRLJ 4.1(d)

CRIMES REQUIRING DEFENDANT'S APPEARANCE
AT ARRAIGNMENT

A lawyer may not enter a written plea of not guilty on behalf of a client, if the charging document states that one or more of the charges involves domestic violence, harassment, violation of an anti-harassment or protection order, stalking, or driving while under the influence of intoxicants, driving while under the age of 21 after having consumed alcohol **or cannabis**, or physical control of a vehicle while under the influence of intoxicants. For such charges, the defendant must appear in person for **arraignment preliminary hearing**; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2022]

(Explanation: corrects what appears to have been an oversight following extension of the RCW 46.61.503 to marijuana and the recent legislative change to use the term cannabis.)

LCrRLJ 4.2(i)

DEFERRED PROSECUTION

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court no later than seven (7) days prior to trial unless good cause exists for delay. Sample forms for such a petition are attached hereto as Exhibits LCrRLJ 4.2(i) A, B, C, and D. The court shall have the discretion to impose court costs at the time of the approval of a deferred prosecution.

[Effective September 1, 2006]

LCrRLJ 6.1

PRETRIAL HEARING / READINESS HEARING

6.1(a) Pretrial Hearing

In every criminal case in which the right to trial by jury has not been waived, there will be a ~~pre-jury trial conference~~ pretrial hearing for the purpose of presenting and scheduling motions and for setting a readiness conference and jury trial date.

The defendant and counsel are required to attend pre-trial hearings unless excused by the court or court rule. Failure of the defendant to attend any pretrial hearing when required may result in the issuance of a bench warrant and forfeiture of any bail or bond.

6.1(b) Readiness Hearing

A readiness hearing shall be set in all cases set for jury trial. The prosecuting attorney, defense counsel and the defendant are required to attend the readiness hearing, unless otherwise excused by the court. Failure of the defendant to appear at the readiness hearing may result in the issuance of a bench warrant, forfeiture of bail and/or bond, and striking of the trial.

At the readiness hearing, the parties shall indicate their readiness for trial and advise the court of any factors affecting readiness for trial; such as, exchange of witness lists, availability of witnesses, and unresolved motions.

Any case confirmed for jury trial at the readiness hearing that does not proceed to trial, absent good cause, may be subject to sanctions as deemed appropriate by the judge, including but not limited to actual jury costs, witness fees, and terms.

Prior to readiness hearing, the parties may file a Notice of Settlement and a Waiver of Right to Speedy Trial, signed by the defendant, or defense counsel if effective pursuant to CrRLJ 3.3(f). Upon receipt of such notice and waiver, the readiness hearing may be stricken and the cause set for entry of plea and sentencing.

[Amended Effective September 1, 2022]

(Explanation: changes the term "pre-jury trial conference" to "pretrial hearing" pursuant to current usage; recognizes that the requirement of an appearance is subject to limitation pursuant court rules and that warrants may issue only upon a failure to appear when required; and provides that if allowed by court rule, the court can accept a speedy trial waiver signed only by defense counsel.)

LcRRLJ 6.13(b)

EVIDENCE - BLOOD DRAW CERTIFICATION

(1) Certification of Qualification to Draw Blood and of Blood Draw Procedure.

(A) Admission of Blood Draw Certificate. In the absence of a request to produce the person who drew blood from the defendant made at least 7 days prior to trial, certificates substantially in the following form are admissible in lieu of a witness in any court proceeding held pursuant to RCW 46.61.502 through RCW 46.61.506 for the purposes of determining whether a person was operating or in actual physical control of a vehicle while under the influence of intoxicating liquors and/or drugs:

BLOOD DRAW CERTIFICATION:

I, _____, do certify under penalty of perjury of the laws of the State of Washington the following: I am a (physician) (registered nurse) (qualified technician) and I am qualified by medical training and experience to draw blood from the human body.

On _____ (date) at _____ (time) I drew _____ (number of samples) blood samples from _____ (name of person) at the direction and in the presence of _____ (name of officer).

I further certify that with each sample the blood draw site was sterilized with a non-alcoholic preparation (betadine) (other _____), and that each blood sample was drawn into a chemically clean dry container (hereinafter referred to as blood draw containers) consistent with the size of the sample and sealed with an inert leak-proof stopper. The blood draw containers are known by me to contain a suitable anti-coagulant and enzyme poison sufficient in amount to prevent clotting and stabilize the alcohol concentration. The anti-coagulant and enzyme poison utilized in this blood draw were (sodium fluoride and potassium oxalate)

(other: _____). To the best of my knowledge, no foreign substances or chemicals, including alcohol, were involved in the blood draw process other than those listed above.

Signature of person making certification

Date and Place

[Effective September 1, 2006]

LCrRLJ 8.2

MOTIONS

At the pre-jury trial conference, the parties must state with specificity all motions. If the motion has not been submitted in writing with a supporting memorandum of authorities before or during the pre-jury trial conference, the court will establish a briefing schedule. The court will determine if an evidentiary hearing is required and will set a time for a hearing on the motion(s).

Except on good cause ~~or as to routine matters, e.g., a motion to exclude witnesses~~, motions *in limine* and supporting memoranda, shall be filed prior to conclusion of the readiness hearing.

[Amended Effective September 1, 2022]

(Explanation: addresses an ambiguity and ensures that both parties and the court or aware of matters which must be addressed prior to the start of the trial and allows an opportunity to consider potential impact to timely start of trial.)

LIRLJ 2.6(c)

MITIGATION HEARING ON WRITTEN STATEMENT

Written Request for Penalty Reduction. A defendant requesting a reduction of an infraction penalty may have such a determination based upon his or her written statement explaining the mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

I certify [or declare] under the penalty of perjury under the laws of the State of Washington that the foregoing is true:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

[Date and Place]

[Signature]

Further, the examination of the statement may be held in chambers.

[Effective September 1, 2006]

LIRLJ 3.1

CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(a) (1) Subpoenas. In contested cases, the defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The request for a subpoena may be made in person or by mail. In order to request a subpoena, the request must be made in writing informing the clerk of the court of the name and address of the witness and of the date of the contested hearing. The subpoena may be issued by a judge, court commissioner, clerk of the court, or by a party's attorney. The responsibility for serving subpoenas on witnesses, including law enforcement witnesses and the Speed Measuring Device Expert (SMD Expert) is upon the party requesting the subpoena. Such subpoenas may be served as stated in IRLJ 3.1(a).

(2) Timeliness. In cases where the request for a subpoena is made 14 days or less prior to the scheduled hearing, the Court may deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date. (See following rule for time frame for Speed Measuring Device Expert.)

(3) Speeding Measuring Device Expert. Defense requests for a Speed Measuring Device Expert must be made to the Office of the Prosecuting Attorney no less than 30 days prior to the date set for the contested hearing. A request for a SMD expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert. In cases where either party requests a Speed Measuring Device Expert (SMD Expert), those cases shall be consolidated to the extent possible on one calendar. (See Exhibit LIRLJ 3.1(a)(3).)

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

forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2006]

LIRLJ 3.3(b)

REPRESENTATION BY LAWYER

At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when the defendant is represented by a lawyer; or when the defendant has served upon the prosecution a demand for discovery, requested a speed measuring device expert to appear, or filed motions requesting relief based upon an alleged failure by the plaintiff/prosecution to perform duties required by law.

A notice of appearance must be filed by a lawyer representing a defendant at a contested hearing within 7 days from the date the defendant files a request for a contested hearing. Upon receipt of the lawyer's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available contested hearing infraction calendar with a lawyer representative of the prosecuting authority or if appropriate to the next contested hearing calendar for the designated law enforcement agency's speed measuring device expert. The failure to timely file a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date the default judgment was set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]

LIRLJ 3.3(b) (1)

WAIVER OF PERSONAL APPEARANCE

At a contested hearing and in lieu of a personal appearance, a defendant charged with a traffic infraction may appear by and through counsel.

[Effective September 1, 2006]

LIRLJ 3.3(b) (2)

NOTICE OF APPEARANCE BY COUNSEL

A defendant charged with a traffic infraction and represented by counsel must provide written notice to the prosecuting authority and the clerk of the court of such representation at least 7 days from the date the original request for a contested hearing is mailed by the defendant. Upon receipt of counsel's notice of appearance, the clerk shall reset the contested hearing to the appropriate jurisdiction's next available speed measuring device expert/infraction calendar for the designated law enforcement agency. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days from the date of notice of infraction or the date a default judgment is set aside, as required by IRLJ 2.6(a).

[Effective September 1, 2006]