Chelan County District Court
Local Court Rules

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EXHIBITS

~~Exhibit LCrRLJ 3.1 (d) (1) Declaration of Indigency~~ (To be removed as an exhibit but continue to use any form approved by the court)

~~Exhibit LCrRLJ 3.1 (d) (2) Notice of Potential Liability for Attorney Fees~~ (To be removed as an exhibit but continue to use on applicable basis)

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GENERAL RULES

LGRLJ 30(b)(4)(i)

ACCEPTANCE OF ELECTRONIC DISCOVERY

Pursuant to GR 30(b)(4) attorneys in infraction cases are required to accept electronic service of discovery via email unless there is an order finding good cause to allow paper service. Self-represented defendants may agree to accept electronic service by written request accompanying the demand for discovery.

[Effective September 1, 2024]

LGRLJ 59

RECONSIDERATION

Parties may move for reconsideration in accordance with the provisions of CR 59 and the hearing procedures set forth in these rules. A party should not file a response to a motion for reconsideration unless the Court requests a response. If the Court requests a response, the judicial clerk will inform the parties to provide deadlines for filing briefs in response.

Parties may only file one motion for reconsideration in a case without obtaining leave of the Court, and such leave will be granted only in rare circumstances.

The Court will hear oral argument on motions for reconsideration only if the Court specifically requests it, in which case the judicial clerk or the court will schedule a hearing. Parties should not file a note for motion/hearing/docket with their motion for reconsideration. Parties must file judges' copies of motions for reconsideration and any response or reply at the time of filing.

[Effective September 1, 2023]

CIVIL RULES

LCRLJ 38
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]

LCRLJ 54
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 $1,000.00	$300
$1,000.01 to $1,500.00	$325
$1,500.01 to $2,000.00	$350
$2,000.01 to $2,500.00	$375
$2,500.01 to $3,000.00	$400
$3,000.01 to $4,000.00	$425
$4,000.01 to $5,000.00	$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.

[Effective September 1, 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 of 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 requirement of this rule.

2. ISSUANCE OF SUBPOENA, EX PARTE. If the Judgement 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 or 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 no t 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) _____

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

Dated: _____

_____
/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 Ave, 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
350 Orondo Ave, Floor 4
Wenatchee, WA 98801

(Judgment Creditor's Attorney)
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]

CRIMINAL RULES

LCrRLJ 2.1 (d)
WITHDRAWAL OF COMPLAINT/CITATION

Within 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.

[Amended September 1, 2023]

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 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 direct consequence of the sentence, such as a restitution hearing, representation will terminate upon completion of such hearing.

[Effective September 1, 2022]

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.

[Effective September 1, 2022]

LCrRLJ 3.2 (p)
BAIL BONDS

(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 120 days of notice of an ordered forfeiture (consisting of one 60-day notice, one 30-day reminder notice, and a 30-day “last chance” notice), 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 12 months 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.

[Amended September 1, 2023]

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 of release should attach to release on personal recognizance. Preliminary hearings for defendants in custody at the 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 no ice and a hearing before any revision of release conditions. CcRLJ 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, the right to a hearing regarding those allegations. The Court cannot properly conduct a hearing pursuant to CrRLJ 3.2(j) in the absence of the defendant.

(d) The court finds good cause to require the in-person presence of all defendants for trial readiness hearings for the Court to properly manage the caseload and trial readiness trial 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 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, dispositions and confirmation of cases to the assigned trial date would unreasonably congest the trial 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.

(c) 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.

[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 CrCRLJ 4.1(g). The Defendant may elect to treat the time for trial calculation to begin at either the date of the notice of appearance filing or the actual arraignment hearing date.

(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 pre-trial hearing is set, the court will determine whether or not good cause exists to require the defendant's presence at the next hearing.

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 a hearing; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2021; Amended September 1, 2022, Amended September 1, 2025]

LCcRLJ 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. For such charges, the defendant must appear in person for preliminary hearings; and the court shall determine the necessity of imposing conditions of pre-trial release.

[Effective September 1, 2022]

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 6.13 (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:

BOOD 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, motions in limine and supporting memoranda, shall be filed prior to conclusion of the readiness hearing.

INFRACTION RULES

LIRLJ 2.6 (c)
MITIGATION HEARING ON WRITTEN STATEMENT

Decisions on written statements are authorized by IRLJ 2.4(b), 2.6(c), and 3.5 for mitigation.

Mitigation hearings shall generally be held in open court, the procedure set forth in IRLJ 3.5, allowing decisions on written statements is authorized.

[Amended September 1, 2023]

LIRLJ 3.1
CONTESTED HEARINGS PRELIMINARY PROCEEDINGS

(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 of 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) Speed Measuring Device Expert. Defense requested 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 he 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]

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings on alleged infractions may be held upon written statements pursuant to IRLJ 2.4(a), IRLJ 2.6(c), and IRLJ 3.5. Written statements include statements submitted by email.

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the

response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

1. Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

2. Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 6.2.

3. Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

4. No appeal permitted. There shall be no appeal from a decision on written statements.

5. A defendant contesting an infraction penalty may have such a determination based upon his or her written statement explaining the circumstances. The statement shall contain the person's promise to pay the monetary penalty imposed by the court after reviewing the statement. Further, the examination of the statement may be held in chambers.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers as noted in LIRLJ 2.6 and shall take place within 120 days after the defendant filed the response to the notice of infraction. 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. Further, the examination of the statement may be held in chambers.

(c) The procedure set forth in LIRLJ 3.5, allowing decisions on written statements or by email sent to DistrictCourt.Clerk@co.chelan.wa.us, are authorized. A defendant requesting the court to decide the case on written statement shall do so by completing a statement executed in compliance with RCW 9A72.085, in substantially the following form (the form may also be accessed by going to the Chelan County District Court website):

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.

I understand that there can be no appeal from a decision on a written statement pursuant to LIRLJ 3.5(a)(4).

I understand that I may attest I do not have the ability to pay in full, and may submit evidence of inability to pay, and/or obtain a payment plan. I further understand that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets.

(Date and Place_____(Signature)

[Adopted September 1, 2015; Amended September 1, 2023]

SMALL CLAIMS RULES

LSCRLJ 1 – PRETRIAL HEARING

Upon the filing of a Small Claim case, a Pre-Trial Hearing shall be set. The notice of Pre-Trial Hearing shall be served with the Notice of Small Claim. Both parties must attend the Pre-Trial Hearing. Parties shall bring three copies of their evidence to the hearing. No witnesses will be allowed. At the Pre-Trial Hearing, dates for the mandatory Mediation will be set. Failure to bring copies of evidence as noted above to the hearing may result in the Pre-Trial hearing being continued.

[Effective September 1, 2024]

LSCRLJ 2 – CONTINUANCE OF PRE-TRIAL HEARING

If a party is seeking a continuance of a Pre-Trial hearing, they shall make a written motion for continuance, which must be served on the opposing party and filed with the court at least five days prior to the hearing date. The motion must state the reasons for the continuance request. The motion to continue must include information about whether the opposing party has agreed to the request to continue. The Judicial Officer will consider if good cause exists to continue the matter and will notify the parties.

[Effective September 1, 2024]

LSCRLJ 3 – MEDIATION

Mediation is mandatory before a trial is allowed. The court will set the date for mediation at the time of the pre-trial hearing. Both parties must attend the mediation, unless excused by the court. If the plaintiff fails to appear, a dismissal will be entered. If the defendant fails to appear, their answer, if one was filed, will be stricken. The court may choose to hear the case that day, or reset to another day, for a prima facie hearing. At that prima facie hearing, the court will consider if sufficient evidence has been submitted to support the case. No notice is required to the defendant. Parties must bring their evidence

to the mediation. No witnesses will be allowed at the mediation. Attorneys and paralegals may not represent parties at mediation.

The purpose of mediation is to settle the case if possible. If no settlement is made at mediation, the case will proceed to trial. If, after mediation, they have not resolved the case, the mediator or parties shall inform the court of this. After being notified that a resolution through mediation was not successful, the clerk will set a trial hearing for the case.

If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial, at the court's discretion.

[Effective September 1, 2024]

LSCRLJ 4 – FAILURE TO APPEAR

A failure to appear by the Plaintiff for a Pre-Trial, Mediation, or Trial hearing will result in a dismissal of the claim. A failure to appear by the Defendant for a Pre-Trial, Mediation, or Trial hearing will result in dismissal of their claim or counter claim and may result in a default judgement for the Plaintiff as noted in LSCRLJ 3.

[Effective September 1, 2024]

LSCRLJ 5 – EVIDENCE

1. It is the party's responsibility to ensure that exhibits are properly filed with the Court. It is the party's responsibility to remove any sensitive or confidential information, i.e. social security numbers, birth dates, account numbers, etc.

2. Evidence shall be exchanged by the parties at the Pre-Trial Hearing. If the case is proceeding to Trial, any additional evidence shall be filed with the court and exchanged between the parties at least 5 days prior to Trial.

3. Document filing is limited to 100 TOTAL pages per case, and all documents must be filed on 8½" x 11" paper. DO NOT include binders, page protectors, paper clips, staples, or tabs.

[Effective September 1, 2024]

LSCRLJ 6 - CONTINUANCE OF MEDIATION OR SMALL CLAIM TRIAL

The party requesting the continuance must contact the other party who must also agree to the continuance. If the request to continue is agreed by the parties, both parties must contact the Court in person, by writing, or by telephone. If one party will not agree to the continuance, the party seeking the continuance may make a written motion for continuance. The motion and notice of hearing must be served on the opposing party not less than five days prior to the date set for the small claim trial. At the hearing, the Judicial Officer will make the ruling if the matter will be continued.

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

[Effective September 1, 2024]

LSCRLJ 7 – REMOVING TO CIVIL STATUS

LCRLJ 1 applies to Removal of Small Claim to Civil Status

[Effective September 1, 2024]

LSCRLJ 8 – REMOVAL OF SMALL CLAIM TO CIVIL STATUS

1. Cross-claim or counter-claim: Defendant or Counsel may file a Summons and Complaint by paying the filing fee and move the Court to request to consolidate the Small Claim action to a Civil action under the District Court Civil number. A date will be set and both parties notified.

2. Other: In a case where there will be no cross-claim or counter-claim, the defendant or defense counsel shall file a motion asking that the matter be moved to the District Court Civil department. If the motion is granted, the defendant or Defense Counsel must, within fourteen (14) days of the granting of the motion, file an appearance and answer on behalf of the defendant(s) and pay the filing. The Small Claim action will then be transferred to the Civil docket and will proceed as a Civil case from thereon. If the defendant fails to so file or pay, the order transferring the matter to the District Court Calendar shall be vacated and the matter rescheduled as a small claim.

[Effective September 1, 2024]