

**Chelan County District Court
Proposed Local Rules**

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 under 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 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.

LCrRLJ 3.4 – Presence of the Defendant

- 1) Pursuant to CrRLJ 3.4(d), 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 the 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. CrRLJ 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, dispositions 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 a 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.

LGR 30 – Electronic Filing and Service

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

- (1) **Mandatory Electronic Filing.** Effective October 1, 2021, attorneys shall electronically file (eFile) all documents except the initial criminal complaint, citation, or notice of infraction, using the court’s designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys or *pro se* parties are not required to eFile, but are encouraged to do so.
- (2) **eFiling service charges.** An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for (a) persons who are indigent or their attorney of record, (b) government filers, (c) qualified legal services providers, and (d) protection orders or other matters for which filing fees may not be charged by law.
- (3) **Documents That Shall Not Be e-Filed.** The following documents must be filed in paper form rather than e-Filed:
 - (a) 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;
 - (b) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - (c) Documents larger than permitted in the User Agreement.
- (4) **Working Copies.** Persons who eFile documents under this rule are not required to provide duplicate paper copies of those documents as “working copies” for judicial officers. The court may require that a party provide a working copies of documents that are not eFiled.
- (5) **Waiver of the Requirement to eFile for attorneys.**
 - (a) If an attorney is unable to eFile documents required by this rule, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed 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.

(6) **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.