

DISTRICT COURT I OF CLALLAM COUNTY
LOCAL RULES

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I. CIVIL PROCEEDINGS

LRCRLJ 6.40(g) MEDIATION FOR SMALL CLAIMS COURT

Mediation is strongly encouraged before a trial is allowed in Small Claims Court. The court will set the date for mediation at the time of filing. Both parties must attend the mediation or formally opt-out. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear or formally opt-out, their answer, if one was filed, may be stricken and default judgment entered. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation.

[July 1, 2005]

II. CRIMINAL MATTERS

LRCrRLJ2.1(a)(1)(i) PROSECUTION RESPONSIBLE FOR DIVERSION OF DWLS3

The Prosecutor from each jurisdiction may implement a pre file diversion program for DWLS3, as authorized by law. All complaints and citations for DWLS3 shall be reviewed prior to being filed with the court for eligibility into the Prosecutor's program.

[July 1, 2009]

LRCrRLJ 2.2.(b)(5) WARRANTS ISSUED FOR FAILING TO APPEAR

Defendants that fail to appear, or to provide documentation to the court that they have completed their conditions of Judgment and Sentence prior to the scheduled review hearing, will have warrants issued for their arrest.

[July 1, 2005]

LRCrRLJ3.1(3)(e) ~~COURT APPOINTED ATTORNEY WITHDRAWALS~~

~~Court appointed attorneys may withdraw 180 days after a Warrant of Arrest has been issued, or disposition is entered by way of a Judgment and Sentence, Order of Dismissal or Order Modifying but does not include Stipulated Order of Continuances, Deferred Sentences, Deferred Findings or a Deferred Prosecution.~~

[Rescinded December 31, 2015]

LRCrRLJ 3.2.1(e)(3)

PROCEDURE AT PRELIMINARY APPEARANCE

- (1) Any accused detained in jail must be brought before the court before the close of business on the next court day as specified by CrRLJ 3.2.1(d)(1).
- (2) Any defendant given a preliminary appearance date by citation, criminal complaint, or summons shall appear as scheduled.
- (3) At the preliminary appearance, the defendant shall sign a Rights Form and Conditions of Release. Preliminary appearance of the defendant shall only be excused under unusual circumstances by order of the court. When preliminary appearance is excused the Promise to Return and Conditions of Release shall be entered, setting arraignment date and conditions of release, by telephonic record in open court. The clerk shall forward a copy of this Order to counsel for the plaintiff and defendant, or defendant if pro-se, thereby providing notice for arraignment.

[July 1, 2005]

LRCrRLJ 4.1(d)(1) APPEARANCE BY DEFENDANT'S LAWYER

The defendant must appear in person for arraignment with their lawyer unless the defendant knowingly and voluntarily waives his/her right to counsel in writing. Appearance at arraignment is not waived by the defendant's lawyer filing an appearance and plea of not guilty on behalf of a client. At arraignment appearance of either the defendant or lawyer shall only be excused under unusual circumstances by order of the court. When the defendant and the defendant's lawyer are present at the regular scheduled preliminary appearance calendar arraignment may be conducted. The entry of plea, conditions of release on the Promise to Return and Order Pending Trial, and Order Setting Schedule and Directing Pretrial Procedure may all be entered; thereby, eliminating the need for a separate arraignment appearance.

[July 1, 2009]

LRCrRLJ 4.5(a) PRETRIAL HEARINGS

(1) Pretrial Motions: Written 3.6 and *Knapstad* motions shall be filed within 28 days of the arraignment. Failure to file a written motion by that date shall constitute a waiver unless the date is extended by the court for good cause.

(2) Jury Readiness Hearing: On Tuesday two weeks prior to trial setting, a Jury Readiness Hearing will be held. All parties and counsel shall be present and all pretrial matters shall be concluded. The presence of the defendant may not be waived except under extraordinary circumstances by order of the court. Failure of the defendant to be present at the Jury Readiness Hearing will result in the issuance of a bench warrant and the striking of the jury trial date.

(3) Trial Confirmation: On Tuesday the day before trial, a Trial Confirmation Hearing will be held. After the Trial Confirmation Hearing is held, notice not later than 4:30pm must be given to the Court Clerk to cancel the jury or costs may be assessed to the appropriate party.

[July 1, 2013]

LRCrRLJ 4.8(b)(1)(a)
DRIVING WHILE SUSPENDED SUBPOENA DUCES TECUM

A defendant accused of a charge of Driving While Suspended may, through his/her attorney, issue a subpoena Duces Tecum upon the Department of Licensing in Olympia for records reasonably relating to the existence and service of the drivers license suspension alleged. Said subpoena shall permit the Department of Licensing no less than 14 days from the completion of service to comply with the subpoena. The subpoena shall also permit the Department of Licensing to comply by fax or first class mail, postage pre-paid to the attorney's business address.

[July 1, 2005]

LRCrRLJ8.1(c)(1)
MOTIONS

When setting a hearing on a jurisdictional calendar a notice of issue along with an agreed order shortening time shall be filed with the court by 12:00 on the day prior to the jurisdictional calendar.

When setting a hearing on a non-jurisdictional calendar a motion shall be filed in accordance with CrRLJ 8.1(c). In extraordinary circumstances the court may allow a motion and order shorting time.

[July 1, 2013]

III. INFRACTIONS

LRIRLJ2.4(4)
WRITTEN STATEMENT FOR MITIGATING CIRCUMSTANCES

Submitting a written statement explaining mitigating circumstances, is authorized. Prior to submitting the statement a person must promise to pay the monetary penalty authorized by law if the infraction is found to be committed. Written statements may be submitted to the court by email at:

<https://websrv7.clallam.net/mitigations/mitiform.php?CourtID=1>

[July 1, 2015]

LRIRLJ3.1(b)(1)
CONTESTED HEARINGS DISCOVERY

Speed measuring device certifications are not subject to discovery. Local speed measuring devices certification documents can be obtained from the court clerk during normal business hours prior to a contested hearing. Washington State Patrol's speed measuring device certifications are located at:

www.wsp.wa.gov/traveler/smdhome.htm

[July 1, 2011]

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