

# **DRAFT LOCAL RULES: 30 DAY COMMENT PERIOD MAY 21, 2021 TO JUNE 20, 2021**

## **SKAGIT COUNTY DISTRICT AND MUNICIPAL COURT LOCAL RULES**

### **ADMINISTRATIVE RULES**

#### **SLARLJ 2 – SCOPE OF RULES**

1. Promulgation: These rules shall be known as the Local Rules for the District Court of the State of Washington for Skagit County. The provisions of these rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction and shall not be construed in conflict with them.
2. These rules are authorized by GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3. They may be amended at the discretion of the Skagit County District Court.
3. These rules are effective September 1, 2021 and supersede all prior rules of the court.

#### **SLARLJ 3 – DEFINITIONS**

1. Name of Court. The Skagit County District Court consists of four division. The current divisions are as follows:
  - (1) Skagit County District Court
  - (2) Anacortes Municipal Court
  - (3) Burlington Municipal Court
  - (4) Mount Vernon Municipal Court
2. “Judge” means a current appointed or elected Skagit County District Court Judge. “Judicial Officer” means Judge as defined herein, Skagit County District Court Commissioners, and Skagit County District Court Judges Pro Tempore.

**SLARLJ 5 – Rescinded**

**SLARLJ 7 – Rescinded**

**SLARLJ 9(b) – Rescinded**

**SLARLJ 30 – Rescinded**

### **GENERAL RULES**

#### **SLGRLJ 30 – ELECTRONIC FILING AND SERVICE**

- (a) **Electronic filing (“eFile”) authorization, charges, exceptions, and waiver [option: and non-compliance].**

1. Mandatory Electronic Filing: Effective September 22, 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 for which filing fees may not be charged by law.
3. Documents That Shall Not Be eFiled: The following documents must be filed in paper form rather than eFiled:
  - 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.**
  - A. Waiver of the Requirement to eFile for attorneys.
    - i. 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.
    - ii. 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.
  - B. Non-Compliance with this Rule: If an attorney files a document in paper form and does not have an approved waiver from eFiling, the

court may assess a fee against the attorney for each paper document filed.

5. **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

### **SLGRLJ 31(I) – 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.

## **CIVIL RULES**

### **SLCRLJ 1.2A – VIDEO CONFERENCE APPEARANCES**

1. Attorneys and parties may appear by video conference in civil matters by agreement of the parties, either in writing or on the record, and upon the approval of the Judicial Officer.
2. Hearings shall be conducted on the record in open court, and persons appearing by video conference shall be advised that the proceedings are being recorded.

### **SLCRLJ 2.5(e) – FILING OF CIVIL AND SMALL CLAIMS CASES**

1. Civil and Small Claims cases shall be filed in the Skagit County District Court division of the Skagit County District and Municipal Court. That Division is located at 600 S. 3<sup>rd</sup> Street, Mount Vernon, WA.
2. Impound Hearings shall be filed in the Skagit County District Court division of the Skagit County District and Municipal Court.
3. Dangerous Dog cases shall be filed in the division where the owner of the alleged dangerous dog resides.
4. Petitions for civil protective orders shall be filed in the Skagit County District Court division.
5. The filing of a case in the improper division does not create a jurisdictional defect and does not deprive the Court of jurisdiction otherwise conferred by law.

### **SLCRLJ 7(b)(5) – Rescinded**

### **SLCRLJ 38 – JURY TRIAL**

1. Confirmation Required. On the Monday before the commencement of a jury trial, party demanding a jury trial shall email confirmation to [districtcourt@co.skagit.wa.us](mailto:districtcourt@co.skagit.wa.us) not later than 12:30 pm and confirm that the case is going to proceed to jury trial. Confirmation must include the name of the person confirming, the party they represent, the case number and the Division where trial is calendared. Failure to confirm may result in a jury panel not being available.
2. This procedure may be modified by written order entered in a particular case.

#### **SLCRLJ 40(b) – NOTE FOR TRIAL ASSIGNMENT**

Any party may file a notice requesting that a civil case be set for trial. Said notice shall set a hearing date for trial assignment. In lieu of appearance at said hearing, the parties may submit their trial conflicts in writing in advance of the date for trial assignment. By noting the matter for trial, the moving party certifies that discovery is complete and that the case is ready for trial. By not objecting to trial assignment, the non-moving party joins in the motion.

#### **SLCRLJ 40(d) – MANDATORY MEDIATION FOR SMALL CLAIMS COURT**

Mediation is mandatory before a trial is allowed in Small Claims Court. Mediation is held at the first scheduled appearance date unless continued by the court for good cause. Both parties must attend the mediation unless the court finds that mediation should not be required due to a history of violence or aggression between the parties. If the plaintiff fails to appear at the first appearance date, a dismissal may be entered. If the defendant fails to appear at the first appearance date, their answer, if one was filed, may be stricken and a default judgment entered. Parties may bring their evidence to the mediation; however, no witnesses are allowed. Mediation will be held at first appearance for one hour only. If more time is required to resolve a dispute, further mediation may be scheduled directly with the mediation service and a further review date set. The purpose of mediation is to settle the case if possible. If no settlement is reached, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation without prior written approval by the Judicial Officer.

#### **SLCRLJ 40(g) – Rescinded**

#### **SLCRLJ 43(l) – DOCUMENT ADMISSABILITY**

Certain Documents Admissible. Subject to the requirements of ER 804, the following documents are admissible in a civil case: The written statement of any witness, included 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.

#### **SLCRLJ 54 – Rescinded**

## **SLCRLJ 56(h) – SUMMARY JUDGMENT MOTIONS AGAINST PRO SE LITIGANTS**

In all cases where a motion for summary judgment is brought against a litigant who is not represented by an attorney, the moving party must attach a copy of CRLJ 56 to the motion for summary judgment. Said copy shall be attached to the motion filed with the court and the copy of the motion served on the non-moving party. In the event a copy of said rule is not so attached, the motion shall be stricken subject to being re-noted without terms.

## **SLCRLJ 64.1 – Rescinded**

### **CRIMINAL RULES**

## **SLCrRLJ 2.5 – Rescinded**

## **SLCrLJ 3.1 – CERTIFICATES OF COMPLIANCE FOR INDIGENT DEFENDANTS**

1. Certificates of Compliance with the Standards for indigent Defendants required by CrRLJ 3.1 shall be filed quarterly with the respective Skagit County District or Municipal Court Clerk's Office.
2. All Notice of Appearance forms filed by counsel for indigent defendants shall indicate in a separate paragraph whether or not a current CrRLJ 3.1 Certificate of Compliance with the Standards for Indigent Defendants is on file with the respective Skagit County District or Municipal Court Clerk's office.

## **SLCrRLJ 3.1(e) – Rescinded**

## **SLCrRLJ 3.1(g) – Rescinded**

## **SLCrRLJ 3.3 – TIME FOR TRIAL**

Commencing April 1, 2021, all departments of this court shall follow CrRLJ 3.3 in setting arraignment, readiness hearings, hearings pursuant to CrRLJ 3.5, and trial dates.

## **SLCrRLJ 3.3(f) – Rescinded**

## **SLCrRLJ 3.4(a) – Rescinded**

### **SLCrRLJ 3.4(e) – VIDEO CONFERENCE PROCEEDINGS**

1. The defendant, defendant's attorney, and the prosecutor may appear by video conference pursuant to CrRLJ 3.4(e) by agreement of the parties, either in writing or on the record, and upon approval of a Judicial Officer, provided, however, CrRLJ 3.5 and 3.5 hearings, guilty pleas, and trials shall not be heard via video conference proceedings absent prior written approval by a judicial officer and upon good cause shown.
2. Hearings shall be conducted on the record in open court, and any person appearing by video conference shall be advised that the proceeding are being audio and video recorded.

### **SLCrRLJ 3.6 – MOTIONS**

1. Pre-Trial Motions to Admit, Exclude, or Suppress Evidence. Unless otherwise ordered by a judicial Officer, all pre-trial motions to admit, exclude, or suppress evidence that require the presentation of testimony or other evidence shall comply with the requirements of CrRLJ 3.6 and shall be filed and calendared for hearing prior to the Readiness hearing, absent good cause or waiver by the court.
2. CrRLJ 3.5 Motions: Unless otherwise ordered by a Judicial Officer, hearings pursuant to CrRLJ 3.5 shall be heard not later than the Monday immediately preceding the trial date.
3. Timing.
  - A. All pretrial motions as set forth under 3.6(a) herein, must be filed and calendared for hearing *prior to the Readiness hearing*, absent good cause or waiver by the court.
  - B. The filing, content, and calendaring of motions is governed by CrRLJ rules 3.6, 8.1, and 8.2 except that any responsive pleading must be filed and served not later than 12:00 noon two court days before the scheduled hearing. Bench copies of all pleadings shall be provided at the time of filing and shall designate the date and time of the hearing.

### **SLCrRLJ 4.1(d) – Rescinded**

### **SLCrRLJ 4.1(g) – Rescinded**

### **SLCrRLJ 4.2(g) – DEFERRED PROSECUTIONS**

1. **All Petitions for Deferred Prosecution pursuant to Chapter 10.05 RCW shall include the following requirements.**

- A. The defendant petitioning for a Deferred Prosecution, prior to filing said petition, shall meet with a District Court Probation Officer for the purpose of evaluating whether or not the defendant is an appropriate candidate for a deferred prosecution and to ensure that the defendant understands the obligations required for successful completion of a deferred prosecution.

#### **SLCrRIJ 4.12 – Rescinded**

#### **SLCrRLJ 5.1 – COMMENCEMENT OF ACTIONS**

1. **Under Municipal Ordinances.** Complaints for the violation of a municipal ordinance shall be heard in the division in which the municipality exists.
2. **Under Other Laws.** All criminal and criminal traffic actions should be filed in the division where the violation is alleged to have occurred.

#### **SLCrRLJ 5.2 – TRANSFER OF CASES**

A Judicial Officer may transfer criminal cases to another division upon the court's own motion or motion of any party upon finding of good cause.

#### **SLCrLJ 6.1.1 – JURY TRIAL CONFIRMATION**

1. Confirmation Required. On the Monday before the commencement of a jury trial, the party demanding a jury trial shall email confirmation not later than 12:30 pm and confirm that the case is going to proceed to jury trial. Confirmation must include the name of the person confirming, the party they represent, the case number and the Division where trial is calendared. Failure to confirm may result in a jury panel not being available.
2. Confirmation shall be sent to the following email addresses:
  - A. For Skagit County District Court – [districtcourt@co.skagit.wa.us](mailto:districtcourt@co.skagit.wa.us).
  - B. For Anacortes Municipal Court – [municipalcourt@cityofanacortes.org](mailto:municipalcourt@cityofanacortes.org)
  - C. For Burlington Municipal Court – [bcourts@burlingtonwa.gov](mailto:bcourts@burlingtonwa.gov)
  - D. For Mount Vernon Municipal Court – [mvcourts@mountvernonwa.gov](mailto:mvcourts@mountvernonwa.gov)
3. This procedure may be modified by written order entered in a particular case.

#### **SLCrRLJ 6.1.3 – 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 the Monday prior to the first day of trial for which the trial date has been confirmed.

**SLCrRLJ 6.13(b) – Rescinded**

**SLCrRLJ 6.13(f) – Rescinded**

**SLCrRLJ 7.2(g) – Rescinded**

**SLCrRLJ 8.2 – Rescinded**

### **INFRACTION RULES**

#### **SLIRLJ 2.3 – FILING**

Notice of Infraction shall be filed in the division where the violation is alleged to have occurred.

#### **SLIRLJ 3.2(b) – MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FAILURE TO APPEAR**

A defendant, against whom a judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, on a form provided by the court, requesting that said judgment be set aside. The motion will then presented to a Judicial Officer ex parte for determination. If, upon review, the court determines a hearing upon the motion is necessary, the matter shall be set for hearing. Defendant must be present in the event the matter is set for hearing. The motion will be evaluated in conformity with CRLJ 60(b). If the court grants the motion ex parte, the matter shall be set for hearing by the clerk, either mitigation or contested as requested by the defendant, and a notice will be sent to the defendant. Mitigation hearings may be heard at the time of the motion if the calendar allows.

#### **SLIRLJ 3.5(a) – DECISIONS ON WRITTEN STATEMENTS AND VIDEO CONFERENCE APPEARANCES**

1. Decisions on written statements are authorized pursuant to IRLJ 2.4(b)(4), 2.6(c), and 3.5 for alleged infractions which are contested or where the Defendant requests a mitigation hearing.
2. Appearances by video conference of infraction mitigation hearings are authorized pursuant to IRLJ 3.5(b). Hearings shall be conducted on the record in open court, and the defendant shall be advised that the proceedings are being audio and video recorded.



**SLIRLJ 6.6 – CERTIFICATION OF SCALES USED IN THE MEASUREMENT OF WEIGHT FOR COMMERCIAL MOTOR VEHICLES**

- (a) In General this rule applies only to contested hearings in traffic infraction cases.
- (b) [Reserved]
- (c) [Reserved]
- (d) Maintaining Certificates as Public Records: Any document of inspection, test and/or certification of any State scale as set forth in subsection (b) of this rule may be filed with the court and maintained by the court as a public record. The documents will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The documents are available without a formal request for discovery. In the alternative, or in addition, such documents may be maintained on a web site established for that purpose by the Washington State Patrol. The court is entitled to take judicial notices of the fact that the document has been filed with the court or maintained on the web site. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document.

[All Local Rules effective September 1, 2021]