

**DISTRICT COURT AND MUNICIPAL COURTS
OF SKAMANIA COUNTY**

**LOCAL RULES OF THE STATE OF WASHINGTON:
DISTRICT COURT OF SKAMANIA COUNTY,
MUNICIPAL COURT OF STEVENSON,
& MUNICIPAL COURT OF NORTH BONNEVILLE**

**Including Amendments Received Through
May 6, 2021**

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Preamble

These local rules pertain to the operation of the Skamania County District Court. These rules are complementary and supplemental to the Rules for Courts of Limited Jurisdiction promulgated by the Washington Supreme Court. The rules are designed to economize the time of counsel and to make efficient use of the Court's time. To be effective, the cooperation of the litigants and their counsel is required.

The rules that follow are ones that have been in effect for some time. Anyone having comments on these rules should address them in writing to the presiding Judge in care of the Court Administrator.

[Adopted March 21, 1996.]

Structure of the Court

The District Court for Skamania County is located at 240 Vancouver Avenue, P.O. Box 790, Stevenson, Washington 98648-0790.

The Court is staffed by one part-time District Court Judge, the Court Administrator, and clerks and Pro Tem Judges.

Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

[Amended April 22, 2021.]

Rule 1. Court Organization and Management

General Management. The general management of the Court shall be vested in the presiding Judge and the duties and powers are as set forth below.

Duties of the Presiding Judge. The presiding Judge will act as chief administrative Judge and will set policy to be implemented by the court personnel.

- A. The presiding Judge will call meetings of the Court and preside over said meetings.
- B. The presiding Judge will be responsible for scheduling of court time.
- C. The presiding Judge will speak for the Court on all matters.
- D. The presiding Judge will be responsible for space management and facilities planning.
- E. The presiding Judge will have the responsibility for monitoring the budget with the assistance of the Court Administrator.
- F. The presiding Judge will be responsible for relations with all other elected officials.

Court Commissioner. The District Court Judge may select a Court Commissioner to provide services for the Court. The Court Commissioner shall have the following duties:

- A. Conduct probable cause determinations.
- B. Conduct preliminary hearings and arraignments.
- C. Set bail, appoint counsel and perform other duties common to the preliminary hearing and arraignment process.
- D. Signing warrants of arrest.
- E. Signing normal civil ex parte matters and immediate temporary relief orders.
- F. Other matters that may be, from time to time assigned by the presiding Judge.
- G. Court Commissioners who have been admitted to the bar shall sign search warrants in the absence of the presiding Judge.

Court Administrator.

- A. Assists the District Court Judge in directing caseflow management and case assignments.
- B. Assists in preparation and presentation of the department budget and directs fiscal management inventory control and purchasing.
- C. Directs the activities of District Court personnel by managing work flow and overall work assignments and providing employee training and review.
- D. Briefs Judge on District Court operations and status.
- E. Prepares reports and compiles statistics as required.

[Amended April 22, 2021.]

Rule 2. Security of Courtrooms and Related Areas

A. Weapons. No weapon designed for offensive or defensive purpose shall be allowed in any space assigned to District Court. A violation of this order shall constitute contempt of court.

a. *Exceptions.* Paragraph (A) shall not apply to Judges, commissioned police officers, prison or jail wardens, or federal law enforcement officers.

[Adopted March 21, 1996.]

Rule 3. Appearance Bonds

A. Only those companies who have been approved by the Judge of the District Court and the State are authorized to post appearance bonds.

[Amended April 22, 2021.]

Rule 4. Justice Court Criminal Rules (CrRLJ)

A. Bail Schedule.

a. The Court may periodically publish a bail schedule which will include any bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. Said schedule shall have the force and effect of local court rule for all the courts under the authority of the District Court of Skamania County.

B. Bail.

a. Misdemeanor bail shall not be combined with felony bail. If cash is received, it shall be kept separate. If a bondsman posts bail, they shall post separate bonds.

b. If someone other than the defendant posts cash bail, it will be necessary to obtain the correct name and address of the person or persons posting the bail. That information should then be given to the District Court along with the bail.

C. Forfeiture of Bond or Bail.

a. If the defendant fails to appear as directed by the Court, a bail forfeiture shall be immediately issued.

b. Should the 60 days elapse and the defendant has not been brought before the Court, the bond becomes due and payable immediately.

D. Pre-trial Release.

a. The release of persons who are charged with misdemeanor and gross misdemeanor offenses on their own recognizance is within the Judge's discretion.

b. When the District Court Judge is not available, supervisory personnel of the jail division may grant recognizance to certain defendants charged only with misdemeanor or gross misdemeanor offenses.

d. The recognizance authority granted to jail division staff is to be used in emergency situations or when overcrowding becomes a problem. Recognizance authority does not include charges of DUI or Assault IV DV.

E. Arraignment. The arraignment date and time shall be written on the face of the citation by the officer. Should the officer fail to put an arraignment date and time the court will set the arraignment date and notify the defendant through the mail. The arraignment shall consist of:

a. Ascertaining the defendant's true name and address, ties to the community, employment status and past criminal history.

b. Advise the defendant of the nature of the charges and the maximum penalties pertaining to the charges.

c. Advisement of rights.

d. Appointment of counsel, determination indigency.

e. Setting of bail, personal recognizance release.

F. Right to Assignment of Counsel.

a. Unless waived, counsel shall be provided to any person who is financially unable to obtain one without causing substantial hardship to himself or his family and pursuant to standards published by the State of Washington.

b. If at any time it appears that a person has retained private counsel, has funds sufficient to do so, or is otherwise not eligible for defense services, the appointed attorney may notify the Court and ask its guidance. Conversely, if it appears that counsel previously retained by a person has withdrawn, or that a person thought

to have funds sufficient to obtain private counsel is not in fact able to do so, then the Court shall make a redetermination of eligibility.

G. Reimbursement of Attorney Fees.

a. Partial Ability to Pay.

1. A person found to be partially eligible for defense services shall be required to make reimbursement to the Court as agreed at the time of appointment.

b. Reimbursement as a Provision of an Order of Probation.

1. Any defendant who is placed on probation may be required to reimburse the county for all or part of the costs of appointed counsel. Further said reimbursement may be part of a recommendation from the probation department or any agreement between prosecution and appointed counsel.

c. Reimbursement Not Required by Appointed Counsel.

1. In no case shall appointed counsel set or attempt to obtain reimbursement for the costs of defense services.

d. Failure to Reimburse After Ordered to Do so.

1. If reimbursement is part of an order of probation, failure of payment could be sufficient to be a violation of probation. The Court shall determine whether or not a defendant has the present financial ability to pay without causing undue hardship to self or dependents and shall also determine that the defendant has willfully failed to make payments or willfully failed to make a good faith, reasonable effort to acquire the means to make the payment.

e. Legal Representation Regarding Reimbursement.

1. The appointed counsel's representation of a client shall include the ability to oppose an order of the Court requiring reimbursement for defense services, provided there are arguable legal grounds for such opposition.

H. Arraignment – Appearance by Counsel Only.

a. Attorneys at law, admitted to practice in the State of Washington, may enter a plea of not guilty in writing on all cases filed in the District Court.

I. Pretrial or Status Conference. The pretrial conference shall be set by the Court and used for the following purposes:

- a. To file any petition for deferred prosecution.
- b. To file any pretrial motion.
- c. To negotiate for plea-bargaining purposes.
- d. To examine the police/officer's reports and other prosecution information.
- e. To dispose of the case in any other manner.
- f. Pretrial or status dates do require the attendance of the defendant and are necessary to advance the case.
- g. All pretrial motions shall be in writing and state an estimate of time for said motion.

J. Witness – Process – Subpoena.

a. If a witness in a criminal matter is to be subpoenaed, the person making the request should prepare the subpoena and present it to the Court for signature. All subpoenas must be prepared in triplicate prior to the presentation for signature.

K. Status Conference. The pretrial status conference shall be set by the Court and used for the following:

- a. Status conferences shall be set before trial.

- b. The defendant must appear or a warrant will be issued for the arrest of defendant.
- c. A status conference report shall be filed with the Court by the prosecuting authority.
- d. The purpose of the status conference is to present witness lists to the Court, to resolve all issues and advise the Court of such resolution, whether it be a jury trial, bench trial, plea, dismissal or need for rescheduling a pretrial motion.

L. Jury and Trial Tracking Procedure.

- a. Jury trials may be initially set on the Court's docket and are subject to being reset to a time and date certain on the Court's own motion or that of either party upon a showing that need for a jury is confirmed.
- b. If any pretrial motions are filed within 14 days of trial, the Court will, consistent with its schedule, attempt to set the motion prior to the day of trial. Any motions set on the morning of trial shall begin at 8:30 a.m. Jury trials begin at 8:30 a.m. Should the Court rule in a manner that requires a continuance of the trial on the morning of trial, the Court shall assess the costs of the jury against the attorney who the Court finds, in its discretion, has failed to properly recognize, note or resolve the issues at the pretrial and according to the schedule set forth in these rules.

M. Continuances.

- a. All motions for continuances shall be heard by notice and citation on the appropriate motion docket. Only in emergencies shall the presiding Judge or the trial Judge consider a motion for continuance without the proper notice and citation.

N. Probation.

- a. Should supervised probation be ordered at arraignment, sentencing, deferred prosecution hearing or any other type of hearing, the Court will require the defendant to pay monthly probation fees at the District Court.

O. Work Crew.

- a. All defendant who participate in the work crew program will be required to pay the insurance fee for that privilege or work one extra day on the work crew.

[Amended April 22, 2021.]

Rule 5. Justice Court Civil Rules (CRLJ)

A. Format; Typed Name and Bar Numbers.

a. The names of all persons signing a pleading should have their name typed under their signatures. If signed by an attorney, the attorney's Washington State bar association number must be set forth.

B. Verification and Signing of Pleadings.

a. As collection agencies are prohibited from practicing law, all actions by collection agencies shall be by and through their attorney.

b. The civil clerk shall upon request from employees of the collection agencies over the telephone or in person, furnish them with information requested about pending cases in which they are a party; provided that such request shall not burden the time of the clerk or the Court.

c. Before judgment is entered, employees of the collection agencies shall be allowed to file cases and legal papers in those cases in which their company is a party except garnishments, executions, attachments, or other extraordinary process shall be filed by the attorney for the collection agency.

d. Checks of collection agencies for payment of fees and other Court charges shall be accepted by the Court from employees of collection agencies.

C. Assignment for Trial.

a. A civil trial setting must be requested in writing by either party, provided the case is at issue and all necessary answers and replies have been filed with the Court.

b. Continuances will be granted upon filing of an agreed motion and affidavit signed by all parties involved. If the request for continuance is contested, the Court will set the next available court date for a hearing on the motion for continuance.

D. Demand for Judgment; Method – Ex Parte Judgments and Stipulated Orders.

a. Counsel presenting a judgment or entry of an order shall be responsible to see all applicable papers are filed. Self addressed, stamped envelopes shall be provided for return of any conformed materials and/or rejected orders.

E. Execution, Supplemental Proceedings and Garnishments.

a. Shall be governed by statute.

[Amended April 22, 2021.]

Rule 6. Record Retention

District Court records shall be retained pursuant to the District and Municipal Court Records Retention Schedule provided by the State of Washington.

[Adopted March 21, 1996.]

Rule 7. Electronic Filing

A. Electronic filing (“eFile”) authorization, charges, exceptions, waiver, and non-compliance.

- (1) *Mandatory Electronic Filing.* Effective November 3, 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 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 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 eFiling, 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.

[Adopted May 6, 2021]