

MILTON MUNICIPAL COURT
LOCAL RULES

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1. Administrative Rules

LAR 1.1 ADOPTION

These rules are adopted pursuant to CrRIJ 1.7, IRLJ 1.3, and GR 7 and supersede any and all Local Court Rules heretofore adopted by the Milton Municipal Court.

[Adopted July 1, 2019; effective September 1, 2019]

LAR 1.2 EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for the Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

[Adopted July 1, 2019; effective September 1, 2019]

LAR 1.3 RESERVATION OF DISCRETION

The Milton Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

[Adopted July 1, 2019; effective September 1, 2019]

2. General Rules

LGR 2.1 JUDICIAL DAYS DEFINED

Regular judicial days shall be Tuesday of every week, Holidays and Court Holidays excepted. In the event of holidays or other preemption, Court may be held the next scheduled Court day. Court sessions shall be at such times and places, as the Court may deem necessary for its proper administration.

[Adopted effective June 20, 2003; amended effective September 1, 2008]

LGR 2.2
DELEGATING AUTHORITY TO ADJUDICATE FTA'S, AND RESCHEDULE TIME PAY
AGREEMENTS

In addition to the Judge the following Court personnel are hereby granted authority to allow the rescheduling of time payments and to adjudicate FTA's reported to the Department of Licensing, if the defendant has no prior FTA or rescheduling of time payment:

- * Deputy Court Administrator
- * Court Clerk
- * Part-time Court Clerk
- * Office Assistant

All other cases must be approved by the Judge.

[Adopted effective June 20, 2003; amended effective September 1, 2008; amended effective September 1, 2019]

LGR 2.3
SCHEDULE OF FEES

The following shall be the schedule of fees charged for certain official services provided by the Milton Municipal Court. These amounts are consistent with R.C.W. 3.62.060.

Duplication of Electronic Records on compact disc or USB \$ 20.00

Paper Copy from electronic format .25 cents per page

Photocopy of paper document .50 cents per page

Certified Copy of first page per instrument \$ 5.00 Each Additional Page \$ 1.00

Postage Actual Cost

Appeals (Preparation & Tapes) \$ 40.00

Clerk's Services \$20.00/hour or portion of an hour

JIS Data dissemination charges will be set in accordance with the Administrative Office of the Courts.

This rule does not apply to law enforcement agencies, governmental agencies, or other departments within the City of Milton, or criminal cases involving indigent counsel.

[Adopted effective September 1, 2019]

LGR 2.4
COURTROOM DECORUM

A. PHOTOGRAPHY, RECORDING, TELEVISION, BROADCASTING

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceedings and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as provided in this rule.

As used herein, “judicial proceeding” means: (1) any hearing required to be held “on the record” by Supreme Court rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing, post-conviction relief hearings, mitigation and contested hearings; (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro-tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include any person participating in a judicial proceeding, including parties, witnesses, jurors, judicial officer and court employees.

“Courtroom” of the Milton Municipal Court means the courtroom itself, witness or jury rooms, and any location where proceedings are conducted.

“Environs” means any area located within the interior confines of the Milton Municipal Courthouse, including but not limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms and lobbies therein including probation or other offices.

B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text message shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

C. EXCEPTIONS

1. The following exception applies to sections A and B above:
 - a. Court, probation or law enforcement personnel conducting official business.
2. With the consent of the courtroom’s judicial officer, or the presiding judge of the court, the following exceptions may be granted to sections A and B above:
 - a. News media conditions and limitations as addressed in GR 16;
 - b. Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer’s investiture;
 - c. For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security;

- d. For the purposes of judicial administration;
- e. As otherwise authorized by the court.

[Adopted effective September 1, 2019]

3. Criminal Rules

LCrRLJ 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

1) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty.

2) Explaining the Availability of a Lawyer. When a person has been arrested, he or she shall as soon as practical be advised of the right to a lawyer. The Milton Police Department shall allow a person in custody access to a telephone and the current contracted public defender's number if they choose to consult with an attorney.

3) Assignment of Lawyer. Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court will consult the current poverty guidelines as provided by RCW 10.101 to determine eligibility.

4) Withdrawal of Lawyer. When a case has been set for trial, no lawyer shall be allowed to withdraw, except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

5) Upon completion of a case, a signed order deferring prosecution, or a Stipulated Order of Continuance, the lawyer shall be allowed to withdraw without consent of the court. If the lawyer does not withdraw at the completion of the case, and a review or violation hearing is scheduled by the court before the attorney has withdrawn, the attorney's appearance is mandatory.

[Adopted effective June 20, 2003; amended effective September 1, 2008]

LCrRLJ 3.3 MOTION FOR CONTINUANCE

All motions for continuance shall be in writing and supported by an affidavit containing the following information:

1. Date of Arraignment;
2. Dates that current hearings are scheduled; and

3. Dates of prior continuances and which party requested the same.

All motions to continue a testimonial motion or trial on a criminal matter shall be in writing and filed with the court at least 48 hours prior to the hearing. All motions to continue a testimonial motion or trial must be agreed to be continued in advance of the hearing. Non-agreed motions to continue will be addressed by the Judge on the record at the scheduled hearing.

Failure to comply with this rule may result in the imposition of terms relating to the expense incurred by the Court including, but not limited to, the costs of jury fee payments and mileage reimbursements.

[Adopted effective September 1, 2008; amended effective September 1, 2019]

LCrRLJ 3.4(d)
VIDEO CONFERENCE HEARING

For in custody defendants, hearings may be held by video conference as provided for in CrRLJ 3.4(d). For purposes of CrRLJ 3.4(d)(2), the defendant will be deemed to have agreed to voluntarily participate in proceedings in Milton Municipal Court by video conference unless the defendant or counsel notifies the Court on the record at the time of the proceeding that the defendant objects to the proceeding being conducted via video conference. Any objection will be deemed waived if not exercised at the time the case is called and prior to the start of the video conference hearing.

[Adopted July 1, 2019, effective September 1, 2019]

LCrRLJ 4.1
MANDATORY APPEARANCES

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be the next regularly scheduled arraignment date, except as provided below. For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle under the Influence, as defined in R.C.W. 46.61.502, 503 or 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the defendant shall be required to appear in person before a judge on the Tuesday following arrest if the defendant is served with a citation or complaint at the time of the arrest. The following Tuesday shall be deemed the earliest practicable judicial day for the hearing. Appearances are mandatory and may not be waived.

[Adopted effective June 20, 2003; amended effective September 1, 2008; amended effective September 1, 2019.]

LCrRLJ 4.2
COMMITMENT OF DEFENDANTS TO JAIL

Commitment procedures enumerated herein are consistent with statutory provisions contained in RCW Title 10. This Court Order further defines the intent of the Municipal Court Judge wherein case law or judicial discretion might determine an appropriate case disposition.

DEFENDANTS COMMITTED TO SERVE JAIL TIME ONLY:

Jail time imposed may be ordered consecutive to other jail time imposed within the discretion of the Judge. Costs of commitment may be imposed as authorized by statute.

[Adopted effective June 20, 2003]

LCrRLJ 4.5
READINESS TRIAL HEARINGS

A Readiness Hearing shall be held before the Municipal Court Judge in every case in which a timely demand for jury is made. Notice shall be given in open Court by the Judge to all parties indicating the date and time for this hearing. At the hearing the city prosecutor, defendant and the defendant's counsel (if any) must be present. By the Readiness Hearing date all discovery must be completed and all motions must have been timely filed. Furthermore, parties shall advise the Court if the case can be settled by other than a jury trial. The Readiness Hearing date shall be set no later than ten (10) judicial days before the date of trial. The Court will strike the scheduled Jury Trial and may issue a Bench Warrant for any defendant that does not appear at the Readiness Hearing.

After the readiness hearing the following restrictions to the proceedings shall apply:

All Plea Negotiations shall be concluded at or before the readiness hearing. The court will grant no amendments to the charges or plea bargains after the readiness hearing. Therefore, after readiness the case will be tried by a jury, unless waived by the defendant, or concluded by a guilty plea to the original charge, or dismissal of the charge(s).

Continuances on the scheduled trial date will only be granted for good cause.

[Adopted effective June 20, 2003; amended effective September 1, 2008]

LCrRLJ 8.2
WRITTEN MOTIONS AND BRIEFS

Written motions and briefs other than those for continuances shall be filed with the Court and served on the opposing party not less than fourteen (14) days before the motion date. Responses thereto shall be filed and served not less than seven (7) days before the hearing date.

Motions shall be heard on Tuesdays at the time prescribed in open Court, and not later than seven (7) days before trial.

Failure to comply with this rule may result in the Court's refusal to hear such motion or in the imposition of terms, both to the adverse party or parties and to the City of Milton for the expense caused by resulting delays.

[Adopted effective June 20, 2003; amended effective September 1, 2008]

4. Infraction Rules

LIRLJ 2.4(b)(4)

MITIGATION AND CONTESTED HEARINGS BASED ON WRITTEN STATEMENTS

Submitting a written statement either contesting the infraction or explaining mitigating circumstances is authorized by local court rule. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be sworn under penalty of perjury in compliance with RCW 9A.72.085.

[Adopted effective June 20, 2003]

LIRLJ 2.6(a)

SCHEDULING HEARING ON CONTESTED HEARING WITH ATTORNEY

Attorneys appearing on behalf of clients on traffic infractions shall file a Notice of Appearance with the court and with the prosecutor no later than seven (7) court days prior to the hearing. Upon filing of the Notice, the Court shall schedule the case to the next available calendar when the prosecutor will be present. Failure to timely submit a Notice of Appearance may result in the contested hearing being held beyond the 120 days required by IRLJ 2.6(a).

[Adopted July 1, 2019; effective September 1, 2019]

LIRLJ 2.6(c)

SCHEDULING HEARINGS ON DECISIONS OF WRITTEN STATEMENTS

Decisions on Written Statements. The court has adopted a local rule authorizing decisions on written statements, and it shall, upon receipt of a statement pursuant to IRLJ 2.4(b)(4) and IRLJ 2.6 (c), consider the case in accordance with IRLJ 3.5. The court is not required to notify the parties of a date for the examination of the statements.

A written request for a hearing by mail, and a written statement under penalty of perjury in compliance with IRLJ 2.4(b)(4), must be filed with the Court a minimum of five (5) court days in advance of the date set for hearing. A decision will be issued pursuant to IRLJ 2.6(c) and 3.5. If a written submission is not timely provided and defendant fails to appear for the in-person hearing, a committed finding may be entered and a penalty in the amount shown on the face of the citation assessed.

[Adopted effective June 20, 2003; amended effective September 1, 2019]

LIRLJ 6.6(d)

SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

A request for a Speed Measuring Device expert must be filed in accordance with IRLJ 6.6(b). The request must be on a separate pleading. The Court may allow the speed measuring device expert to testify telephonically from a location other than the courtroom. All cases requiring the testimony of a Speed Measuring Device expert shall be heard on a calendar where the prosecuting attorney is scheduled to be present and a request filed pursuant to IRLJ 6.6 will result in the case being rescheduled to the next date and time of that special-set calendar. A defendant who causes the Speed Measuring Device expert to be subpoenaed shall be responsible for all costs related to the appearance of that witness in court, including any appearance made by the expert telephonically, as provided in RCW 46.63.151 if thereafter found by the court to have committed the infraction.

[Adopted effective June 20, 2003; amended effective September 1, 2019]