

MASON COUNTY DISTRICT COURT

LOCAL RULES

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MADGR 7
LOCAL RULES – FILING AND EFFECTIVE DATE

The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington. They shall not be construed in conflict with them and are submitted pursuant to GR 7 with an intent to adopt as District Court Local Rules, and shall be referred to as MAD along with the corresponding rule abbreviation.

Adopted effective September 1, 2021

MADGR 7.1

EMERGENCY RULES AND ORDERS

1. Unless and until such time as the Washington State Supreme Court vacates its emergency orders, all hearings except those enumerated below shall be conducted via ZOOM or any other remote conferencing system that the presiding judge authorizes.
 - a) Arraignments on DUI, Physical Control, and any DV case shall always be in person unless the presiding judge orders otherwise.
 - b) Jury Trials will always be in person.
 - c) The judge presiding over a case shall have the discretion to require an in-person appearance in that case. Examples are:
 - i) Any contested matters, including small claims, where the court determines the hearings or trials will be lengthy with either or both a large number of witnesses and/or exhibits.
 - ii) Interpreter calendars, with the understanding that the defendants, unless directed otherwise, may appear by ZOOM.
 - iii) Any matters where the defendant's pre-trial release is a topic for discussion, such as revocation of release. Absent an emergency, notice will be given for both the attorney and the defendant to appear in person.
2. The Court will maintain a link to each of its regular ZOOM meeting links, on the Court's website. Either computer or telephone access will be allowed but the court will have the authority to direct participants with the ability, to turn their videos on.
3. Normal courtroom decorum rules will still apply, even though the appearance is electronic. People will be appropriately dressed, there will be no smoking, and the only food or beverages allowed will be water.
4. Those individuals who are scheduled for probation review matters will make provisions to transport themselves, in a time frame directed by the court, to meet with probation, submit to UA's, or to comply with any other directive by the judge hearing the case.
5. The court reserves the right to require people to come down to the Mason County Courthouse to retrieve a copy of their order.

[effective 9/1/2021]

MADGR 14 (2)

AUDIO/VISUAL EXHIBITS

Audio/Visual Exhibits. When testimony or evidence is to be given via video or motion pictures, it is the responsibility of the party introducing the testimony or evidence to provide the proper equipment for viewing such testimony or evidence, or to provide the court the testimony or evidence in digital format.

Media displayed on cell phones or other electronic devices will not be accepted. It is the responsibility of the parties to have their exhibits ready on the trial date. The court will not print exhibits or make paper copies of exhibits for litigants unless otherwise authorized by the trial judge.

[Adopted effective 9/1/2015, amended 9/1/19, amended 9/1/21]

MADGR 14 (3)

SMALL CLAIMS AND NAME CHANGE FORMAT REQUIREMENTS

All Small Claims and Name Change pleadings must conform to the Mason County District Court forms. Prescribed forms are available at the Mason County District Court office located at - 419 N. 4th St, Shelton, WA. 98584 or on the courts website: www.co.mason.wa.us/district_court. Any pleadings not meeting such requirements may be rejected for filing and returned, then resubmitted after compliance with this rule.

[Adopted effective 9/1/2015]

MADGR 17.1

E-MAIL AND FAX COMMUNICATION

Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with Mason County District Court staff. This rule does not apply to the other forms of communication, and does not establish a preference for e-mail communication over any other form of communication.

Use of judge's individual address prohibited for discussion of cases: The only address to be used by attorneys, pro se self-represented litigants or others who need to communicate with court staff about a case is the District Courts general e-mail address - DistrictCourt @co.mason.wa.us, unless otherwise directed by the judge and/or court clerk to e-mail to a specific e-mail address. Absent express invitation by the judge, the judge's individual e-mail address is not to be used.

Use of Email for administrative purposes: Email communication on matters of a purely administrative nature, may be directed on the county email address of the appropriate person. Anytime a party believes the appropriate person is a judge, the sender of the email should proceed on the assumption that a courtesy copying of the email should be sent to an opposing side.

Guidelines for use of e-mail: E-mail communication with the District Court, for issues surrounding a case, is appropriate in the following typical situations:

To obtain a date for an in-court hearing;

To submit proposed orders, which require permission from the judge;

To determine the judge's availability for a settlement conference;

To determine the availability of equipment needed for trial (such as a video player or speaker phone);

To determine the judge's preference as to number of copies of jury instructions required for trial;

To advise the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e);

To determine whether the judge will accept pleadings, jury instructions, legal memoranda, and other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

Ex parte communication prohibited: The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. If an attorney/party is communicating substantive information to court staff, the e-mail must also be sent to opposing counsel/party and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

Service of working copies and pleadings: E-mails may be used to provide working copies of legal pleadings, including jury instructions. Legal documents other than jury

instructions that are presented by email shall be sent in PDF format. Working copies of Jury instructions shall be sent by PDF AND in Microsoft Word format. After sending any working copies and/or Jury Instructions, you must contact the court and advise the clerk that they have been sent. Any such e-mails sent to the court shall be sent to the attorneys representing the other parties.

Absent prior permission from the presiding judge, or pro-tem judge if the presiding Judge was disqualified from hearing a particular case, submission of filing of documents by email are not allowed.

Pleadings which may be filed by email or FAX: Notices of Appearance, Notices of Withdrawal, and Waivers of Speedy Trial may also be filed by email or FAX. Any other pleadings shall require the permission of the presiding judge, prior to the submission, unless the filing is in a case where the presiding judge has been disqualified or has recused, at which time the judge hearing the case's permission shall be required.

[Adopted effective 9/1/2015, amended 9/1/19, amended 9/1/2021]

MADGR 30

ELECTRONIC FILING, SERVICE, SIGNATURES AND TRANSMISSIONS

(a) Electronic Filing:

- (1) eFiling is encouraged commencing 09/20/2021 and required commencing 10/20/2021.

Attorneys shall electronically file (eFile) all documents using the court's designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. Non-attorneys, pro se parties, and attorneys in the representation of a client in a criminal case are not required to eFile, but are encouraged to do so. Crime victims are not required to eFile but may do so.

- (2) 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, (b) government filers (c) qualified legal services providers, (d) protection orders for which filing fees may not be charged by law and (e) crime victims and crime victim advocates.

- (3) 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.
 - d. Exhibits needing to be marked for trial or hearing.

- (4) Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.
- (5) Waiver of the Requirement to eFile for attorneys.
 - (a) If an attorney is unable to eFile documents, 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.
 - (c) If the basis of the good cause is a client’s inability to pay the filing fees, for criminal or civil, the attorney shall file a financial declaration of the client to go with the request to waive the electronic filing. Any declaration, in substantially the same format as the Court’s declaration of indigence will suffice.
- (6) 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) Service:

- (1) If a party serves another party electronically or via email by agreement, then that party must likewise accept service from the other parties electronically or via email.

- (2) Documents must be filed at least 24 hours before a hearing, unless the court grants a waiver. Failure to comply may result in the document not being considered.

(c) Judicial Electronic Signatures:

- (1) Judicial officers may sign court orders and search warrants with a digital or electronic signature, as defined in GR 30. In addition, documents may be signed by judicial officers using an electronic form that contains an electronic copy of the judicial officer's signature so long as the form is saved only on a directory that is accessible only by the court and so long as the electronic signature is protected so that it cannot be electronically copied.
- (2) The printed or electronic version of these documents shall constitute an original order and shall be placed in, and become part of, the court file or search warrant return file.
- (3) Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

(d) Court transmission of documents:

- (1) The Court shall transmit court orders electronically to the Prosecutor and Public Defenders as technology allows. Other legal counsel can also request electronic transmission of orders. Parties representing themselves and legal counsel without pre-arranged electronic transmission may receive paper copies.
- (2) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession or that the document so filed is the original.
- (3) Signatures of defendants and attorneys are not required on: Order of Release and Setting Court Dates, Stipulated Order of Continuance,

Friendship Diversions and all Infraction judgments. Said documents will indicate party/parties were present.

(e) Nothing in this rule shall be deemed to deny anyone access to justice, due to inability to pay the envelope fees or lacking the ability to file electronic documents.

[Effective 9/1/2021]

MADGR 39

SUSPENSION OR MODIFICATION OF LOCAL RULES

The court may suspend or modify any of the foregoing rules, in any given case, upon good cause being shown upon motion of the parties or the court's own motion.

[Adopted effective 9/1/2019]

MADGR 40

VIEWING OF COURT FILES

All public Court files must be reviewed at the counter of the Court lobby, unless otherwise authorized by the Judge.

No individual shall photograph a Court file through any mechanical or electronic means without Court permission.

Nothing in this rule shall be deemed to prohibit viewing files that are contained in a database, if and when such a system is put in place.

[Adopted Effective 9/1/2019, Amended 9/1/2021]

MADARLJ 14

COURTROOM DECORUM

1. All attorneys, litigants, witnesses, and other individuals in the courtroom shall abide by the following rules of conduct:
 - (a) Always be prompt. Be in the courtroom ready to proceed at the appointed time.
 - (b) Stand when the judge or the jury enters or leaves the courtroom.
 - (c) Do not make personal attacks on opposing counsel or parties.
 - (d) Do not interrupt. Wait your turn. Address all remarks to the Court. Argument between litigants or their attorneys is not permitted.
 - (e) After the court has ruled, ask the court's permission before arguing further.
 - (f) Rise when addressing the Court and when making objections as this calls the Court's attention to you.
 - (g) Do not approach a witness or the jury without asking permission of the Court.
 - (h) Dress appropriately to the serious nature of the matters before the court. Shorts and other kinds of beach apparel are not appropriate, shoulders must be covered. Clothing with inappropriate images including nudity and obscenities, advertising alcoholic beverages or illegal drugs are not appropriate. Hats are not to be worn in the Courtroom unless required by religious custom and practice, or for medical purposes.
 - (i) Cell phone are prohibited in the courtroom – they must be turned off. Attorneys and law enforcement are exempt from this subsection. No other exceptions unless waiver is explicitly granted by the court.
2. Those people appearing electronically by zoom, phone, or otherwise will comply with all courtroom decorum rules listed above except for b., f., and i.

[Adopted effective 9-1-2015, amended 9/1/2019, Amended 9/1/2021]

MADARLJ 15

CALENDAR ADDITIONS

1. Calendars will be deemed as set by noon the day before the calendar is scheduled.

No additions will be made after that deadline except as follows:

- a. Identification hearings and fresh arrests
- b. Authorization by the appropriate judge, appropriate Judge meaning:
 1. The Presiding Judge of the Mason County District Court or
 2. Pro-tem Judge only when the presiding Judge has been disqualified by recusal or affidavit of prejudice.

[Adopted effective 9/1/2019, amended September 1, 2021]

MADCRLJ 3.2

SMALL CLAIMS MEDIATION

- 1) The Mason County District Court will require mediation for all small claims cases.
- 2) Parties filing a small claims case shall pay the filing fee and a surcharge.
- 3) All small claims cases shall be set for a pre-trial. No trial shall be set until after mediation. All parties will be required to attend this pre-trial. The pre-trial shall be a mediation between the parties. The mediation shall be conducted by a mediation agency appointed by the presiding judge of the Mason County District Court, or attorneys on a mediation panel, maintained by the court. Each party shall be required to bring his, her, or its evidence to this pre-trial. No witnesses or attorneys or other legal representatives are allowed at the mediation.
- 4) The mediation shall be for up to one half hour, unless the mediator decides a longer time is needed. The purpose of the mediation is to see if the parties can reach a settlement. The mediator has no authority to impose a settlement. The outcomes of the mediation shall be as follows:
 - a. If the parties reach a settlement, the settlement shall at the mediation, be reduced to writing and all parties shall sign off on it. The court will then, ex parte, reduce the settlement to a judgment, unless the parties agree to carry out their obligations on the settlement without a judgment. In such circumstances, the court will not reduce the settlement to a judgment unless the agreement is not complied with, within thirty days. Any settlement is binding, once signed. If any party refuses to sign off on a settlement, there will be no settlement.
 - b. If the parties fail to reach a settlement, they will be directed to the District Court Clerk's Office to be given a trial date. The clerk will enquire about the number of witnesses that will be called, number of exhibits, to help the court determine the length of the trial.
 - c. If the plaintiff(s) fail to appear at the pre-trial hearing, the mediator(s) shall notify the court and the case shall be dismissed, with prejudice.
 - d. If any of the defendants fail to appear, the mediator(s) shall notify the court and the court shall review the case to enter a default judgement, ex parte.
- 5) This requirement for mediation shall be waived, if formal mediation occurred prior to the filing of the case.

[Adopted effective 9/1/2019]

MADCRLJ 7(b)

MOTIONS

5. A party who notes a motion, but decides to strike the motion, shall immediately notify the court and the opposing party that the motion is stricken.
6. If a moving party does not appear within thirty (30) minutes of the time set for a motion, and no request, for extension of time is received by telephone or otherwise, the motion shall be stricken and the non-moving party (ies) may be awarded costs, and if otherwise authorized, a reasonable attorney's fee.
7. If a non-moving party does not appear within thirty (30) minutes of the time set for a motion, and no request for extension of time is received by telephone or otherwise, the Court will decide the motion without the non-moving party's participation.
8. If a party is seeking a default judgment, summary judgment, or any other type of judgment, that party shall include in the motion the basis for the judgment and the amount of the judgment. If the sought after judgment is based upon multiple charges, fees, etc. and there are more than three such charges, the moving party shall prepare a worksheet with the charges and total them. Such a worksheet shall be incorporated into the motion.
9. The Court may, in its discretion, assess terms against any party failing to comply with this rule.
10. Any re-note of the motions will be at the courts discretion.

[Adopted effective 9/1/2002, amended 9/1/2019, Amended effective 9/1/2021]

MADCRLJ 39

NON-APPEARANCE OF A PARTY OR PARTIES ON TRIAL DATE

- (a) If the plaintiff does not appear within thirty (30) minutes of the time set for trial, and no request for extension of time is received by telephone or otherwise, defendant, upon motion, may be granted a judgment of dismissal without prejudice, be awarded costs, and if otherwise authorized, a reasonable attorney's fee, and if a counterclaim, upon satisfactory proof, may be awarded judgment thereon.
- (b) If the defendant does not appear within thirty (30) minutes of the time set for trial, and no request for extension of time is received by telephone or otherwise, the plaintiff, upon motion, may be granted judgment as prayed for, upon satisfactory proof to the court, including costs and if otherwise authorized a reasonable attorney's fee.
- (c) In the event neither party appears at the time set for trial, or thirty (30) minutes thereafter, the trial shall be stricken. Any re-note of a civil trial may be predicated upon either of the parties paying terms to the court. Notification may initially be oral and/or by telephone, but will not be deemed completed until it has been followed up with a clear written statement by the person making such notification. Such written statement shall be caused to be on file with the court by 4:30 p.m. on the fifth day following the oral telephonic notification.

[Adopted Effective 9/1/19]

MADCRLJ 43

TAKING OF TESTIMONY

(e) Evidence on Motions.

(1) Motions shall be heard on the pleadings, affidavits, published depositions and other papers filed unless otherwise directed by the Court. Any counter-affidavit shall be served upon the opposing party not later than (3) three days prior to the date of the hearing, or movant shall have the option of a postponement of the hearing. Affidavits strictly in reply to a counter-affidavit may be served and considered at the hearing.

[Adopted effective 9/1/2015]

MADCRLJ 86.04

NAME CHANGES

- (a) **Requirements.** An applicant who applies to the court for a change of name, pursuant to RCW 4.24.130, must meet the following requirement:
- (1) *Birth Certificate.* A certified copy of any applicant and/or minor's birth certificate or suitable identification must be presented to the clerk for verification and copying.
 - (2) *Photo Identification.* The applicant shall be prepared to show photo identification at the time of the hearing.
 - (3) *Minors: Parental Consent.* All applicants under eighteen (18) years of age must have parental representation in accordance with State law.
 - (4) *Separate Applications.* Each applicant requesting a change of name must present a separate Change of Name Order and pay a separate filing fee and recording fee.

[Adopted/amended – effective 9/1/19]

MADCrRLJ 2.2(h)

WARRANTS EXPIRATION DATE

All warrants for arrest issued by the Mason County District Court for misdemeanor and gross misdemeanor offenses shall carry on their face a seven (7) year expiration date.

The court will automatically reissue the warrant one time only for a total of fourteen (14) years on violent offenses and serious traffic offenses.

Violent offenses include Assault, Violation of No Contact or Protection Order, Malicious Mischief, Unlawful Imprisonment, Reckless Endangerment or as designated by the court.

Serious traffic offenses include Driving Under the Influence, Physical Control, Reckless Driving, Hit and Run, or as designated by the court.

If the warrant is not served during this time, the prosecutor may file a motion to reissue for the judge's consideration prior to the expiration date. If the case is pre-disposition, the motion must state that the prosecutor has a good faith belief they will be able to proceed to trial.

If the warrant expires, the case file shall be closed if no fines, fees, costs and/or restitution is owing. All fines, fees, costs, and/or restitution previously imposed remain owing unless otherwise ordered by the court. If the warrant expires prior to disposition, the case shall be dismissed.

[Adopted effective 9/1/2015, amended 9/1/19]

MASON COUNTY DISTRICT COURT
419 N. 4th - P.O. Box "0" - Shelton, WA 98584
360-378-4017 (Tel) - 360-378-4099 (Fax)
MasonDistrict@co.mason.wa.us

EXPIRED WARRANTS

Date: _____

DOL: _____

Case #: _____

JIS: _____

Name: _____

Charge(s): _____

Prosecutor's Recommendation

Reissue Bench Warrant in the amount of \$ _____

Do not reissue Bench Warrant, close file except for collection of fines

Witness is no longer available

Investigative Officer is not available

No Disposition - Dismiss Case

Other: _____

Date

Prosecuting Attorney

Court's Decision

Re-issue Bench Warrant – Bail: Amount Requested
 New Amount _____

Do not reissue Bench Warrant, close file except for collection of fines

No Disposition - Dismiss Case

Other: _____

Date

Judge

MADCrRLJ 3.1 (e)

WITHDRAWAL OF ATTORNEY APPOINTED AT PUBLIC EXPENSE

- (1) Unless a Notice of Appeal has been filed, an attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty (30) days following a final decision of the court as defined in RALJ, without further notice to the court.
- (2) An attorney appointed at public expense shall be deemed automatically withdrawn from representation thirty (30) days upon the issuance of a warrant without further notice to the court.
- (3) In the event, an attorney, representing a client seeks withdrawal for reasons other than the defendant wishing to dispense with public defense legal representation, that attorney shall first seek to substitute another public defender, before making a request in court to withdraw. Only in the event, where the attorney is unsuccessful in procuring a substitution of counsel or the court denies the substitution, may the matter be brought up in court. Unless the order allowing withdrawal specifically states that public defense is withdrawn, the official responsible for assigning public defenders shall appoint another attorney.
- (4) Nothing in this rule shall be deemed to prevent an attorney seeking leave to withdraw, without attempting to arrange a substitution of counsel, in circumstances where an attorney discovers during a court proceeding that they are no longer ethically able to represent the client. Under such circumstances, the withdrawal shall be permitted, and the re-setting of speedy trial provisions of CrRLJ 3.3(c) (2) (vii) shall be applied for cases that are pre-trial.

[Adopted effective 9-1-2015, amended effective 9/1/2021]

MADCrRLJ 3.6(c)

SUPPRESSION HEARING PROCEDURE

The parties shall comply CrRLJ 3.6.

The motion shall be filed with the court and served on opposing counsel or pro-se party. Supporting documents will also be filed and served. The motion will be reviewed by the court to determine whether an evidentiary hearing is necessary. If such a hearing is necessary, it will be set no earlier than twenty-one (21) days from that determination. A copy of the response and supporting documents may be served on the motioning party at least (7) seven court days prior to the date set for hearing and a strict reply response may be filed with the court no less than (3) three days.

As a matter of professional courtesy, the parties shall file bench copies of all motions, affidavits, and memoranda at the time of filing of the original documents. If and when an e-filing system is implemented, the need for bench copies will no longer be required.

Any party needing to alter these time lines must file a motion to shorten time and get the court's permission.

MADCrRLJ 4.5.1

PRETRIAL PROCEDURES

(a) Duty of Parties.

It is the duty of the parties and their counsel to move the cases forward as expeditiously and fairly as possible.

(b) Pre-trial Hearings

The Court shall set all out of custody cases where a plea of not guilty has been entered for a pretrial hearing within 45 days after the date of first appearance, all in-custody cases will be set within approximately 14 days after arraignment. The court has the authority to set a different schedule. Said hearing shall provide an opportunity for plea negotiations, resolution of discovery issues and trial setting. All defendants must be present either in person or through counsel, unless previously excused by the court. Failure to appear for the pretrial hearing may result in the issuance of a warrant of arrest and/or forfeiture of any bail or bond. If a defendant's presence is required to move the case forward, such as addressing failure to comply with release conditions, or when a waiver of rights is being discussed, the court may mandate that the defendant shall appear in person, regardless of whether an attorney is present or not.

(c) 3.5 Notice of 3.5 and 3.6 Motions

See LCrRLJ 3.6 for suppression motions other than for 3.5 hearings. A 3.5 motion shall be set upon demand. If there is any briefing for the 3.5 hearing, the court shall set a briefing schedule.

(d) Imposition of Jury Costs

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of the jurors lives, and to further avoid the waste of public funds, the court will require notification that a jury trial will not commence, no later than 3:00 p.m. the last court day before jury selection is scheduled to begin. The court reserves the right to impose terms against the responsible party for jury costs, if the court finds that a party or parties acted in bad faith.

(e) Trial Confirmation Hearing. See LCrRLJ 4.11

[Adopted effective 9/1/2015/amended 9/1/17, amended 9/1/19/ amended 9/1/2021]

MADCrRLJ 4.7 (h)

SECONDARY DISSEMINATION OF DISCOVERY

- 1) Scope. This rule only pertains to discovery being provided to alcohol and drug treatment agencies, Domestic Violence and Anger Management agencies, and mental health agencies, when the defendant is represented by counsel. It does not pertain to defendants who are pro-se or for secondary disclosures of discovery to other organizations.
- 2) With the exception of court ordered competency evaluations pursuant to RCW 10.77, it is the obligation of the defense attorney of record or designee to provide any needed discovery to any alcohol and drug treatment agencies, Domestic Violence and Anger Management agencies, and or mental health agencies when the information is needed to complete any court ordered evaluations or for purposes of the defendant and his or her attorney to prepare the case. While un-redacted copies may be given to such agencies, no further dissemination of the copies will be allowed without further court order and no defendant shall sign any release for further disclosure without the agreement, in writing, with the prosecuting authority or by a court order of this court in the case for which the discovery was provided.
- 3) In cases where there has been no attorney of record, the defendant shall make his or her own arrangements with the prosecuting authority. Where there is an attorney of record at the time of disposition, the obligations under part 2 of this rule will be carried out, regardless of whether a Notice of Withdrawal has been filed.
- 4) Nothing in this rule shall be construed as to shift the responsibility of choosing and arranging for an evaluation from the defendant to her or his attorney.
- 5) Nothing in this rule shall be construed as to eliminate the prosecuting authority's rights under CrRLJ 4.7(g)(3) to require either an agreement on redactions or a court order, if no such agreement can be reached.
- 6) Nothing in this rule shall be deemed to prevent the Prosecuting Authority from supplying the discovery should it choose.

[Adopted effective September 1, 2019]

MADCrRLJ 4.11

JURY TRIAL CONFIRMATION - Notification of Court

- a) The court will set in all criminal cases, a pre-trial, confirmation hearing, and a jury trial date. With the exception of trials, these hearings require either the presence of the defendant or his/her attorney, unless the court finds in a particular case that the actual presence of the defendant is required, which will require both the Defendant and his/her attorney if there is an attorney of record. Trials require both the defendant and the defense counsel, if there is one, be present. All court dates designated as "trial" requires the actual physical presence of the defendant regardless whether the defendant is presented by an attorney or not. The Court designates trial week, as the second full week in any given month, with the understanding that the court will endeavor to schedule jury selection, presentation of evidence, and deliberations in that week. The start of the jury trial shall be deemed to be the Friday before that trial week for all cases set for jury trial, although the court can adjust the scheduling.
- b) The prosecutor, defense counsel and the defendant shall attend the confirmation hearing. If the defendant fails to appear for the confirmation hearing, the case will proceed to the trial start date as designated in part "a" of this rule. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date.
- c) At the Pre-trial or Confirmation Hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. The court shall also, in cases where trial is being confirmed, determine which date will be the actual start date for the trial. The parties, only if the defendant is present, may opt to take care of the trial administrative matters and consider the confirmation hearing as the trial start and dispense with the start of trial scheduled for the Friday before the trial week begins.
- d) The parties, no later than the confirmation date, shall submit the Consolidated Pre-trial Order, unless there is a settlement to which there is a complete agreement to all terms. Additionally, the parties shall disclose the following:
 1. The defense will disclose any defenses other than general denial to the prosecuting authority
 2. Each party shall disclose all witnesses including phone, address and email to the other side that they intend to call unless those witnesses are contained in the police reports. They will also shall submit a synopsis of the expected testimony of each witness.
- e) For cases that actually confirm onto trial, each party shall submit jury instructions, one cited and one uncited, to the court, and one cited to opposing counsel no later than the last Friday before the trial week on which the case is scheduled. Each party shall file and serve its motions in limine by the Thursday before trial week. Parties will also either provide copies of exhibits or make the exhibits available for inspection to the opposing sides, no later than the last Thursday before the week on which the case is scheduled. Unless inspected by

the opposing side, any Power Point or similar slide show materials will require an in-camera review by the court. If the party with such presentation does not allow such review by opposing parties or an in-camera review by the court, the materials will not be allowed to be shown at trial.

- f) For cases scheduled to begin jury selection on Monday or Tuesday of trial week, the requirements of paragraph e) of this rule must be completed no later than two court days prior to the scheduled beginning of jury selection.
- g) Violation of these requirements may result in continuance of the trial and sanctions for the party violating the rules.

[Adopted effective 9/1/2015, amended 9/1/19, Amended 9/1/2021]

MADIRLJ 2.4

RESPONSE TO NOTICE OF INFRACTION

(a) Generally. A person who has been served with a notice of infraction must respond to the notice within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(b) Alternatives. A person may respond to a notice of infraction by:

1. Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;
2. Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law;
3. Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law; or
4. Submitting a written statement either contesting the infraction or explaining mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed.

For contested hearing, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court. I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)

(Signature)

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

(c) Method of Response. A person may respond to a notice of infraction either personally, by mail or by e-mail DistrictCourt@co.mason.wa.us. If the response is mailed or e-mailed it must be postmarked or e-mailed not later than midnight of the day the response is due.

{see form LIRLJ 2.4, LIRLJ 3.5}

[Adopted effective 9/1/2015]

MADIRLJ 2.6

INFRACTION HEARINGS

(h) Decisions on Written Statements. Mitigation hearings shall generally be held in open court. The procedure set forth in IRLJ 3.5, allowing decisions on written statements is authorized.

[Adopted effective 9-1-2015]

MADIRLJ 3.1 (e)

CONTESTED HEARINGS - COSTS AND WITNESS FEES

Costs and Witness Fees. Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

The court will not undertake to subpoena any witness(s) for any hearing, unless a request to issue such subpoenas are made to the District Court Clerk's office at least fourteen days before the hearing.

[Adopted effective 9/1/2015, amended 9/1/2021]

MADIRLJ 3.2(b)

MOTION FOR VACATION OF DEFAULT JUDGMENT FOR FTA

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, requesting that said default judgment be set aside. The motion will then be set for hearing. Defendant must be present unless the judge authorizes otherwise. The motion will be evaluated in conformity with CRLJ 60(b). If the Court grants said motion, the matter will be set for a hearing of the kind requested by the defendant (Refer to LIRLJ 2.6). Mitigation hearings may be heard at the time of the motion if the calendar allows.

A defendant requesting the court to vacate a Default Judgment for FTA shall do so by filing a motion in substantially the following form:

{see form LIRJ 3.2 (b)}

[Adopted effective 9/1/2015, Amended 9/1/19]

MADIRLJ 3.5

DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings on alleged traffic infractions may be held upon written statements and email statements pursuant to IRLJ 2.4 (4) IRLJ 2.6 (c) and IRLJ 3.5.

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(1) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(2) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(3) Notice to Parties. The court shall notify the parties in writing whether an Infraction was found to have been committed and what penalty, if any, was imposed.

(4) No appeal Permitted. There shall be no appeal from a decision on written statements.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

(c) The procedure set forth in IRLJ 3.5, allowing decisions on written statements or E-mail sent to MasonDistrict@co.mason.wa.us is authorized.

A defendant requesting the court to decide the case on written statements shall do so by completing a statement in substantially the following form:

{See form LIRLJ 2.4, LIRLJ 3.5 Form}

[Adopted effective 9/1/2015]