



City of Tacoma Municipal Court

PROPOSED TACOMA MUNICIPAL COURT LOCAL COURT RULES

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Judge Dee A. Sonntag
Department One

Judge Drew A. Henke
Department Two

Judge Steven J. Krupa
Department Three

TACOMA MUNICIPAL COURT

LOCAL GENERAL RULES

TMCGR 30.1 ELECTRONIC FILING AND SERVICE

- (a) **Electronic filing (“eFile”) authorization, charges, exceptions, waiver and non-compliance.**
 - (1) **Mandatory Electronic Filing** – Effective 30 days after go live as directed by the court, attorneys shall electronically file (eFile) all documents using the court’s designated eFiling service, eFile & Serve, unless this rule provides otherwise. Non-attorney’s or *pro se* parties are not required to eFile, but are encouraged to do so.
 - (a) Tacoma Municipal Court office hours are 8:00 AM – 4:30 PM, Monday through Friday excluding holidays. Any electronic filing received after 4:30 PM will automatically be date stamped for 8:00 AM the next business day.
 - (2) **Documents That Shall Not Be eFiled** – The following documents must be filed in paper form rather than eFiled:
 - (a) A criminal case initiation document (e.g., complaint, citation, or notice of infraction) that is not submitted through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application per GR 30 (d)(ii):
 - (b) 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.
 - (c) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means.
 - (d) Documents larger than permitted in the User Agreement.
 - (3) **Working Copies** – Attorneys and other eFilers are not required to provide duplicate paper pleadings as “working copies” for judicial officers.

(4) *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.

(5) *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 litigant 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.

TACOMA MUNICIPAL COURT LOCAL CRIMINAL RULES

TMCLR 1.7.1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court Rules. These rules govern the procedure in Tacoma Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. The court may modify or suspend any of these local court rules in any given case upon good cause being shown or upon the court's own motion in the interest of justice and/or judicial economy.

TMCLR 1.8.1
TITLE OF RULES

These rules may be known and cited as the Tacoma Municipal Court Local General Rules and the Tacoma Municipal Court Local Criminal Rules and shall be referred to as TMCLGR and TMCLCR.

TMCLCR 3.1.1
WITHDRAWAL OF ATTORNEY

(a) Pre-Trial or Disposition Withdrawal - Pursuant to CrRLJ 3.1(e), no attorney may withdraw except upon consent of the court for good cause shown when a case has been set for trial. The motion shall be made in open court with notice to interested parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date or upon the defendant's knowing, voluntary and intelligent decision to proceed without counsel.

(b) Post-Trial or Disposition Withdrawal - A court appointed attorney may not withdraw without an order of the court. The client of the withdrawing court appointed attorney must be given notice of the motion to withdraw and the date and place the motion will be heard in accordance with subsections (b)(1) and (2) below.

A non-court appointed attorney may withdraw by notice in the manner provided in this section as follows:

(1) Notice of Intent To Withdraw - The attorney shall file and serve a Notice of Intent To Withdraw on the defendant. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent To Withdraw. The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney prior to the date set forth in the notice. The notice shall include the names and last known addresses of the defendant, unless disclosure of the address would violate the Rules of Professional Conduct.

(2) Service on Defendant - Prior to service on other parties, the Notice of Intent To Withdraw shall be served on the defendant by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the defendant client may be omitted under circumstances defined by subsection (b)(1) of this rule.

(3) Withdrawal Without Objection - The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent To Withdraw, unless a written objection to the withdrawal is served by defendant on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent To Withdraw.

(4) Effect of Objection - If a timely written objection is served, withdrawal may be obtained only by order of the court by noting a Motion to Withdraw in accordance with Court Rules.

(c) Withdrawal and Substitution - Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are

effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituted attorney. If an attorney changes firms or offices, but another attorney in the previous firm or office will become counsel of record, a Notice of Withdrawal and Substitution shall nevertheless be filed.

TMCLCR 3.2.1
RELEASE OF THE ACCUSED

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):
A Defendant who is detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of \$500 for a misdemeanor and \$1000 for a gross misdemeanor, except for the following offenses:

- (a) Domestic Violence Offenses: Defendants shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or applicable local ordinance.
- (b) Other Non-Bailable Offenses Pending First Court Appearance by Defendant:
Defendants shall be held in non-bailable status pending hearing the next court day following booking for these crimes:
 - (1) Assault in the Fourth Degree (RCW 9A.36.041)
 - (2) Harassment (RCW 9A.46.020)
 - (3) Violation of Anti-Harassment Order (RCW 9A.46.040)
 - (4) Stalking (RCW 9A.46.110)
 - (5) Communicating with a Minor for Immoral Purposes (RCW 9.68A.090)

TMCLCR 3.4.1
VIDEO CONFERENCE PROCEEDINGS

- (a) **Criminal** - Preliminary appearances as defined by CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), and pre-trial hearings as determined by the court, conducted via video conference in which all participants can simultaneously see, hear, and speak with each other, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the court.
- (b) **Agreement** - Any party may request a video conference proceeding which may, in the court's discretion, be granted. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties. The defendant will be deemed to have agreed to voluntarily participate in court proceedings in Tacoma Municipal Court by video conference unless the defendant or counsel for the defendant notifies the court at the time of the proceeding that he/she/they objects to the proceeding being conducted via video conference. The right to object to video conference proceedings will be deemed waived if not exercised prior to the start of the video conference hearing.
- (c) **Standards for Video Conference Proceedings** - The Judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the court. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the proceeding must be conducted to assure that the interpreter can hear all participants.
- (d) For purposes of video conference proceedings, electronic signature of the defendant, counsel, interested parties and the court will be treated as if they were an original signature.

TMCLCR 3.4.2
FORFEITURE OF BAIL

Upon the non-appearance of a defendant at the time and place scheduled by the court and a warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings.

TMCLCR 3.4.3
RECALL OF WARRANTS AND RESETTING OF CASES

A defendant who is charged with a criminal violation and has an outstanding warrant in the Tacoma Municipal Court may address the warrant in the following manner:

- (a) Email or personally appear at the Clerk of the Court's office to set a warrant quash hearing and be provided with a notice of hearing;
- (b) Contact his/her/their attorney to file a motion to quash the warrant;
- (c) Post full cash bail amount or bond with the Clerk of the Court;
- (d) Turn him/herself/themself in to the Pierce County Jail.

TMCLCR 3.6.1
SUPPRESSION PROCEDURE

- (a) Pleadings and Determination regarding Hearing** - All motions must be noted on the Trial Readiness Conference Order. Motions to suppress physical, oral or identification evidence other than motions pursuant to Rule 3.5 shall be in writing supported by an affidavit or document as provided in RCW 9A.72.085 or any law amendatory thereto, setting forth the facts the moving party anticipates will be elicited at a hearing. If there are no disputed facts, the court shall determine whether an evidentiary hearing is required. If the court determines that no evidentiary hearing is required, the court shall set forth its reasons on the record for not conducting an evidentiary hearing.
- (b) Time Limits** - Pleadings required for compliance with this rule shall be submitted in writing to the court and the nonmoving party at least 14 days in advance of the request for a 3.6 hearing. Responsive pleadings may be submitted within 7 days from date of receipt of the motion for a 3.6 hearing to the moving party and the court. A bench copy shall be delivered to the Clerk of the Court. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.
- (c) Decision** - The court, on the record, shall state findings of fact and conclusions of law based upon the pleadings submitted.

TMCLCR 4.2.1
RESOLUTION DOCUMENTS DEADLINES

- (a) Petitions for Deferred Prosecution** - Petitions for Deferred Prosecution must be submitted pursuant to RCW 10.05. Defendants must use the deferred prosecution forms provided by the court. The petition must include the appropriate assessment and treatment plan and be provided to the court no later than two (2) court days prior to the hearing.

- (b) Statement of Defendant on Plea of Guilty and/or Stipulation and Order of Continuance on Agreed Conditions** - Statement of Defendant on Plea of Guilty and/or Stipulation of Order of Continuance on Agreed Conditions forms must be provided to the court no later than one (1) court day prior to the hearing.

TMCLCR 4.5.1
READINESS HEARINGS

A readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the court in a particular case for good cause shown. This calendar will be held during the week approximately 20 days prior to the scheduled jury trial or as otherwise set by the court. The defendant shall be required to attend this hearing unless excused by the court. Failure to attend the readiness hearing may result in the issuance of a bench warrant and/or forfeiture of bond. Both parties must have confirmed their witness(es) availability at the readiness hearing and complete the Trial Readiness Conference Order. A confirmation of readiness constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial and submit jury instructions at the call of the jury calendar.