

LOCAL COURT RULES

OF THE

DISTRICT COURT

FOR

ISLAND COUNTY

**ALSO INCLUDES THE CITIES OF OAK HARBOR,
COUPEVILLE, AND LANGLEY MUNICIPAL COURTS**

Effective September 1, 2025



ISLAND COUNTY DISTRICT & MUNICIPAL COURT

800 SE 8th Avenue, Oak Harbor, WA 98277

(360) 675-5988

www.islandcountywa.gov

PRESIDING JUDGE

Ronald A. Costeck

COMMISSIONER

Eric M. Ohme

COURT ADMINISTRATOR

Norma Allain

In the Matter of the Adoption of **LOCAL RULES OF COURT**

For the District Court of Island County and Municipal Court of Oak Harbor, Langley & Coupeville, In and For the State of Washington

Pursuant to the authority of CRLJ 83 of the Civil Rules for District Court, the following Local Rules of Practice and Procedure are adopted by the District Court of Island County, of the State of Washington, to be in effect on and after September 1, 2025. All other Local Rules are designated Special Rules and shall be abrogated to the extent they are inconsistent. Emergency Orders previously adopted by the Island County District Court in connection with either COVID 19 pandemic or Emergency Administrative Order No. 24-01 (AOC system shutdown), have and are rescinded.

These Local Rules are a supplement to Rules for the District Court of the State of Washington.

Dated this May _____, 2025.

Ronald A. M. Costeck, Presiding Judge

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ADMINISTRATIVE RULES

LARLJ 1. SCOPE OF RULES

1. **Promulgation & Citation.** These rules shall be known as the Local Rules for the District Court of the State of Washington for Island 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. **Authorization.** These rules are authorized by GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3. These rules may be amended at the discretion of the Island County District Court.
3. **Effective Date.** These rules are effective September 1, 2025, and either amend or supersede all other rules.

[Adopted Effective September 1, 2025]

LARLJ 2. DEFINITION.

1. **Name of Court.** The Island County District Court consists of the District Court of Island County and three Municipal Courts departments as follows:
 - (a) Island County District Court
 - (b) Municipal Court of Coupeville
 - (c) Municipal Court of Langley
 - (d) Municipal Court of Oak Harbor
2. **Judicial Officer.** Is defined as the current appointed or elected Island County District Court Judge, Island County District Court Commissioner and Island County District Court Judge Pro Tempore.

[Adopted Effective September 1, 2025]

LARLJ 3. COURTROOM PHOTOGRAPHY AND RECORDING OF PROCEEDINGS.

1. **Video and Audio Recordings.** In accordance with GR 16, video and audio recordings and still photography by media news is allowed in the courtroom during and between sessions, provided that permission shall have first been expressly granted by the judicial officer, and further, that the media personnel do not, by their appearance or conduct distract participants in the proceedings or otherwise adversely affect the dignity and fairness of the proceedings.

2. Dissemination. The recording or dissemination of the broadcast of any court proceeding through audio and/or video conferencing is not permitted without written permission of the judicial officer conducting the hearing.

[Adopted Effective September 1, 2025]

CIVIL RULES

LCRLJ 2B. VIDEO APPEARANCE

1. **Civil Hearings.** 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. **Small Claims Mediation.** Parties may appear by video conference at the small claims without prior approval.
3. **Civil & Small Claims Trials.** Unless authorized by the presiding judicial officer in advance of the trial date, all civil and small claims trials are in-person. All attorneys and parties must be physically present/appear in court for the proceedings.

[Adopted Effective September 1, 2025]

LCRLJ 40(g). 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. If the plaintiff fails to appear, a dismissal may be entered. If the defendant fails to appear, defendant's answer, if one was filed, may be stricken and default judgment entered. Parties may bring their evidence to the mediation; however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is reached at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation.

[Adopted effective September 1, 2016.]

LCRLJ 54.1 JUDGMENTS; COSTS

(a) Attorney Fees. The following attorney fee schedule, where authorized and instead of those statutory fees set by RCW 12.20.060, shall be deemed reasonable in all default cases unless the parties' present evidence of circumstances that convince the Court that a larger or smaller fee should be awarded, provided however, the Court shall have authority to vary from this schedule on its own motion:

SCHEDULE FOR REASONABLE ATTORNEY FEES IN DEFAULT CASES

(Other than Statutory Attorney Fees)

From	To	Amount
\$.01	\$ 49	\$ 0
\$ 50	\$ 500	\$ 125
\$ 500.01	\$ 2,500	\$ 200
\$ 2,500.01	\$ 3,500	\$ 300
\$ 3,500.01	\$ 4,500	\$ 400
\$ 4,500.01	\$ 10,000	\$ 500
\$ 10,000.01		(Set at court's discretion.)

[Adopted Effective; September 1, 2025.]

LCRLJ 55.1 DEFAULT JUDGMENTS

(a) Form of Submission. Any party seeking a default judgment shall submit at least the following to the Court contemporaneously with the motion for default judgment, unless otherwise excused by the Court for good cause, regardless of whether any of these required documents have been filed with the Court prior to the motion:

- (1) A copy of the original proof of service shall be submitted with every motion for default judgment.
- (2) In Debt Buyer causes of action involving debt purchased on or after June 11, 2020: proof as set forth in RCW 19.16.260. An affidavit by counsel under CRLJ 55(b)(1) is sufficient as to the amount of the debt only.
- (3) In assigned causes of action: a copy of the assignment interest. If the debt was assigned more than once, each assignment or other writing evidencing transfer of ownership must be submitted to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent sale.
- (4) In causes of action based on all contracts: sworn testimony to prove performance(s) may be required; a copy of the contract, if written; proof of the items of account and any credits; the factual basis for the breach; and the final amount of the principal owing (the final amount should be underlined and highlighted). In addition:
 - (i) In causes of action based on open account: a written statement of account setting forth all charges and credits and the dates thereof on the principal and separately listing any statement of any interest or surcharges; and a statement of the nature of merchandise or services furnished.

(ii) In causes of action based on a check as defined in RCW 62A.3-104 or a promissory note: the original or a document which comports with the Rules of Evidence (ER), including an attestation that the document is reliable.

(iii) In causes of action based on credit card debt: the original or a copy of billing statements in the debtor's name showing cumulative charges to the extent available, interest, interest rate, payments, credits and, if available, a statement of the nature of merchandise or services furnished; and a final billing statement proving the principal.

(iv) In causes of action for rent based on an oral lease: a statement of account similar to that required in actions on open account. If any claim is made for damages or repairs to premises, such claim must be itemized separately.

(v) In causes of action for rent based on a written lease: the original or a copy of the lease and a statement of the account.

(vi) In causes of action based on a retail sales contract, chattel mortgage, or conditional sales contract: the original or a copy of the contract. Where applicable, an automobile title or bill of sale must be filed.

(5) In causes of action based on tort:

(i) Proof of liability shall be made by sworn statement of a witness with competent knowledge of the event (for automobile accident cases, see RCW 46.52.080 (police accident report is not admissible));

(ii) Otherwise, the proof required showing the amount of damages shall be the same as required above for proving contract balances except that the following additional proof of the amount of damage shall be required:

(A) Property damage may be proven by repair bills or estimates;

(B) Loss of use claims, and pain and suffering shall be proved by sworn testimony;

(C) Loss of wages may be proven by sworn declaration from the employer or employer's agent; and

(D) Hospital, doctor, and other medical expenses may be proved by written bills or statements.

(b) Conformed Copies. If the default motion is by mail, the plaintiff shall file a self-addressed, stamped envelope for the clerk to return a conformed copy of the default judgment to the plaintiff.

(c) Prejudgment Interest. In order for a judgment for pre-judgment interest to be allowed, the

following must be presented to the Court:

- (1) A document that indicates the date interest commenced. This date should be underlined and highlighted for the Court; and
- (2) The computation of the interest claimed due. The computation must include: principal; an adjustment to principal if a payment has been made; the date of any payment; and the rate(s) of interest, including the start date and the end date. The document with the rate of interest should have the rate of interest underlined and highlighted for the Court.

[Adopted effective September 1, 2025.]

CRIMINAL RULES

LCRRLJ 1.1 SCOPE

These rules apply to all criminal hearings in Island County District Court, Oak Harbor Municipal Court, Coupeville Municipal Court and Langley Municipal Court.

[Adopted effective September 1, 2000; amended effective September 1, 2001, September 1, 2008.]

LCRRLJ 3.1 APPEARANCE OF COUNSEL

(d) Assignment of Lawyer.

(5) For indigent persons who request counsel and are charged with a crime in this court and who are in the custody of the Department of Corrections, and who are therefore presumed to be indigent, the Office of Public Defense shall immediately appoint counsel to represent the defendant in the matter in this court.

(e) A notice of appearance by counsel is considered effective through the first disposition of the case. Once a dismissal is entered, the defendant is sentenced without appeal being taken, or the defendant enters into a deferred prosecution or sentence program counsel may withdraw without further formality. A new notice of appearance must be filed prior to appearing at any subsequent hearing such as a probation violation or show cause hearing.

[Adopted effective September 1, 2000; amended effective September 1, 2001.]

LCRRLJ 3.2 BAIL

1. Bail is to be set at the first appearance for all domestic violence offenses when a defendant has been arrested and confined pursuant to RCW 10.31.100 (2) (c).
2. Law enforcement and the Court Clerk may receive bail in the form of cash, cashier's check, certified check, money order, traveler's check, credit card charge, checks drawn on a trust account or bail bond. Recognizance bonds must be approved by the prosecuting attorney or by the Court.

[Adopted effective September 1, 2000; amended effective September 1, 2001, September 2, 2014, September 1, 2020]

LCRRLJ 3.3 TRIAL SCHEDULING

[Rescinded Effective September 1, 2025]

LCRRLJ 3.3.1 TRIAL SCHEDULING

(a) Setting Trial Dates.

- (1) **In person at Arraignment.** If a defendant enters a not guilty plea at arraignment the court shall set a pretrial and trial date. The pretrial date will be a minimum of six (6) weeks prior to the trial date.
- (2) **Waiver of Arraignment.** If a permitted waiver is entered on behalf of a defendant, and a not guilty plea is entered; a pretrial and trial date will be set. The pretrial date will be a minimum of six (6) weeks prior to the trial date. The Court clerk will provide notice to all parties of both the pretrial and trial dates.
- (3) **Trial Dates.** Unless otherwise set by the court, trials for the City of Langley, Coupeville and Island County District Court cases will be set on the second and fourth Thursday of the month at 8:00 a.m. Unless otherwise set by a judicial officer, trials for the City of Oak Harbor will be set on the first and third Thursday of the month at 8:00 a.m.

(b) Setting a Readiness Hearing. If at pretrial a defendant declares their intent for trial and proceeds through the pretrial conference, the court will set a readiness hearing.

- (1) **Readiness Hearing.** Will be set on the Monday motion calendar at 2 p.m. on the third Monday preceding the trial date.
- (2) **Motions in Limine and Proposed Jury Instructions.** A hearing for proposed motions in limine and proposed jury instructions will be set at the same time as the readiness hearing.

(3) **Filing Time.** Proposed motions in limine, jury instructions and any trial briefing, if any, shall be filed by 4:30 pm on the Wednesday proceeding the readiness hearing. At the discretion of the judicial officer, supplemental briefing, motions in limine and jury instructions may be permitted after this date.

(c) Continuances.

- (1) **Pretrial Date.** At pretrial the defendant may either declare their intent for trial, proceed through pretrial conference and set a readiness hearing, or alternatively, continue both the pretrial and trial date. If continuing the pretrial and trial date, pursuant CrRLJ 3.3 (b)(5), (e)(3) and (f), the time for trial will be extended thirty (30) days beyond the new trial date.
- (2) **Readiness Hearing.** Continuance of readiness hearing is disfavored. Only upon satisfactory finding and good cause will a judicial officer continue a readiness hearing and trial date.
- (3) **Continuances By Stipulation:** Prior to the pretrial conference hearing the parties may agree in writing to reset both the pretrial and trial date. The pretrial date shall be six (6) weeks prior to the trial date. The defendant shall consent in writing to the change of dates. The motion must be filed 48 hours prior to the scheduled hearing. If continuing the pretrial and trial date, pursuant CrRLJ 3.3 (b)(5), (e)(3) and (f), the parties shall stipulate in writing that the time for trial will be extended thirty (30) days beyond the new trial date.

[Adopted Effective September 1, 2025 (replaces rescinded LCrRLJ 3.3)]

LCRRLJ 3.4 PERSONAL APPEARANCE REQUIRED

[Rescinded Effective September 1, 2025]

LCRRLJ 3.4.1 PERSONAL APPEARANCE

- (a) **Appearance.** The appearance of the defendant is required at all hearing set by court as set forth in CrRLJ 3.4.
- (b) **Virtual Appearance.** Island County District Court authorizes the use of virtual appearance in accordance with CrRLJ 3.4
- (c) **Physical Appearance Required.** A defendant shall physically appear in person, and shall not be permitted to appear at a hearing either virtually, nor through counsel, unless granted permission by a judicial officer in advance, in any instance where:

- (1) A judicial officer has previously found good cause on the record to require the defendant physical presence;
- (2) The court also finds that following conditions are good cause to compel a physical appearance of the defendant:
 - (i) The defendant has active warrants for their arrest anywhere in Washington State, or
 - (ii) The defendant is on pretrial supervision and being monitored for compliance by the probation department and is alleged to have violated their pretrial release conditions and a hearing is set, or
 - (iii) The case is set for Readiness Hearing, or
 - (iv) The case is post-conviction, the defendant is being supervised by probation or bench supervision, and the defendant is alleged to have violated the terms of their probation.

[Adopted Effective September 1, 2025 (replaces rescinded LCrRLJ 3.4)]

LCRRLJ 3.5.1 CONFESSION PROCEDURE

Upon demand and in compliance with CrRLJ 3.5 the court will set a 3.5 hearing. The 3.5 hearing shall be heard at the date and time of the readiness hearing (third week prior to the trial date).

Unless the judicial officer specifically grants permission, no CrRLJ 3.5 hearing shall be conducted on the day of trial. Generally, the court will not grant such permission unless the need for such a hearing was stated at the pretrial conference and good cause is shown as to why the motion could not have been conducted prior to the evidentiary portion of the trial.

[Adopted Effective September 1, 2025]

LCRRLJ 3.6.1 SUPPRESSION HEARING PROCEDURE

- (a) Motion.** Parties shall comply with CrRLJ 3.6.
- (b) Non-Testimonial and Testimonial Calendars.**
 - (1) Procedure.** The non-testimonial motion calendar is on Monday at 2:00 p.m. The moving party shall comply with CrRLJ 3.6, file a note for calendar, and an affidavit or statement setting forth the facts they anticipate will be elicited at the hearing, and whether those facts will be in dispute. If requesting an evidentiary hearing, the opposing party's affidavit or statement shall include an outline of anticipated facts and

disputed facts. If the judicial officer determines that no evidentiary hearing is required the matter may be heard on the date of the note. If the judicial officer determines that an evidentiary hearing is required, after consultation with the parties, a testimonial hearing shall be set. The testimonial hearing will be set no sooner than seven (7) days from the non-testimonial hearing date. The testimonial motion calendar is on Monday at 3:00 p.m.

(2) **Timing.** The moving party's motion and supporting affidavits or statements shall be filed with the court and served on the opposing side a minimum of fourteen (14) days prior to the hearing. A copy of the response and supporting document shall be served on the court and motioning party at least seven (7) days prior to the hearing. Any reply shall be served no later than three (3) days prior to the hearing. The date of the hearing does not count in the computation of time.

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

[Adopted Effective September 1, 2025]

LCRRLJ 3.7 PRESENCE OF THE PROSECUTOR AND PUBLIC DEFENDER

In all criminal cases, a representative of the Prosecuting Attorney's Office or the Office of City Attorney responsible for the case shall be present to conduct the case for the plaintiff. This rule applies to bail modifications, arraignments, pretrial hearings, motions, trials, other dispositions and post-conviction review when requested by the court.

(1) **Presence of the Public Defender.** A representative of the Public Defender's Office must be present for all hearings unless excused by the Court.

[Adopted effective September 1, 2000; amended September 2, 2014, September 1, 2016.]

LCRRLJ 4.1 [PROCEEDINGS BEFORE THE JUDGE APPEARANCE]

[Rescinded Effective September 1, 2025]

LCRRLJ 4.1.1 WAIVER OF ARRAIGMENT

(a) **When Waiver of Arraignment is Not Permissible.** An appearance by the defendant's lawyer, entry of a written plea of not guilty or waiver of arraignment on behalf of a client

will not constitute a waiver of appearance or arraignment if the charging document involves domestic violence, harassment, violation of an anti-harassment or protection order, or a violation of RCW 46.61.502 (DUI), .503 (Driving Under 21 Years of Age) or .504 (Physical Control).

(b) Compliance with Affirmative Pretrial Conditions Must be Established. An appearance by the defendant's lawyer, entry of a written plea of not guilty or waiver of arraignment on behalf of a client will not constitute a waiver of appearance or arraignment, if proof of compliance with affirmative pretrial release condition set by a judicial officer (such as; ignition interlock, firearms surrender, alcohol monitoring, or otherwise) have not been established prior to any waiver of arraignment. If the defendant has previously appeared in person before a judicial officer, a required by RCW 46.61.50571, and conditions and compliance with those pretrial release conditions have been set and established, then a lawyers may enter an appearance, or a plea of not guilty and waiver of arraignment of behalf of a client.

(c) Special Circumstances. An appearance by the defendant's lawyer, entry of a written plea of not guilty or waiver of arraignment on behalf of a client will not constitute a waiver of appearance or arraignment, if upon an initial review of a judicial officer, there is a determination that pretrial trial conditions may be appropriate for community safety. In such a case, the Court Clerk will notify all parties that the arraignment has not been waived.

[Adopted Effective September 1, 2025 (replaces rescinded LCrRLJ 4.1)]

LCRRLJ 4.2.1 PETITION FOR A DEFERRED PROSECUTION

(a) Petition Form. All petitions for a Deferred Prosecution pursuant RCW 10.05 shall include the following:

- (1)** Petition for a Deferred Prosecution
- (2)** Proposed Order that has been approved by the Court
- (3)** Probation Report and Recommendation
- (4)** Substance use disorder assessment from a Washington State Licensed or Certified substance abuse treatment provider and recommended course of treatment
- (5)** Signed Treatment Contract
- (6)** Stipulated exhibits, affidavits, and police reports and any other documents that would form the basis of stipulated trial.

(b) Mental Health Deferred Prosecution. Shall include the following:

- (1)** Petition for a Deferred Prosecution
- (2)** Proposed Order that has been approved by the Court
- (3)** Probation Report and Recommendation
- (4)** A mental health evaluation and course of treatment, with a minimum of two (2) years of mental health treatment with a Washington State licensed mental health provider

- (5) Substance use disorder assessment from a Washington State Licensed or certified substance abuse treatment provider and recommended course of treatment, unless waived by the judicial officer
- (6) A condition of total abstinence from alcohol, cannabis and all other non-prescribed mind-altering drugs
- (7) Signed Treatment Contract
- (8) Stipulated exhibits, affidavits, and police reports and any other documents that would form the basis of stipulated trial.

(c) Interview with Probation. Prior to filing a petition for a deferred prosecution, the petitioner shall meet with a District Court Probation Officer for the purpose of evaluating whether or not that individual is an appropriate candidate for a deferred prosecution and to ensure the defendant understands the obligations required for successful completion of a deferred prosecution program.

(d) Engagement in Treatment. No order granting a deferred prosecution will be signed unless the petitioner is engaged in treatment at the time of the hearing.

(e) Ignition Interlock. No order granting a deferred prosecution will be signed unless the petitioner has submitted proof of the installation of an ignition interlock device if substance use disorder assessment includes a finding of alcohol dependency. A petitioner who will not be operating a motor vehicle may sign a declaration of non-driving and may not operate any motor vehicle without an ignition interlock device.

(f) Filing Period. The full petition, proposed order and attached documents required under this rule shall be filed with Island County District and Municipal Court and the prosecuting authority no later than seven (7) days prior to the proposed entry date.

[Adopted Effective September 1, 2025 (replaces rescinded LCrRLJ 8.2)]

LCRRLJ 6.1.1 JURY TERM

[Rescinded Effective September 1, 2025]

LCRRLJ 7.6 PROBATION FEES

[Rescinded Effective September 1, 2025]

LCRRLJ 8.2 DEFERRED PROSECUTIONS

[Rescinded Effective September 1, 2025]

INFRACTION RULES

INFRACTION RULES LIRLJ 3.1. PROCEDURE AT CONTESTED HEARING

- (b) Representation by Lawyer.** At a contested hearing the plaintiff may be represented by lawyer for the prosecuting authority. The defendant may be represented by a lawyer.
- (c)** [Repealed effective September 1, 2016.]
- (e)** If a lawyer appears for the defendant at a regular scheduled contested hearing without previously filing a notice of appearance, the matter may be rescheduled to the Wednesday, 2 PM calendar to permit appearance by a lawyer representing the plaintiff.
- (f) Witness fees:** Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. Subpoenas may be issued by the Court or a party's lawyer with a copy filed at the Court. Out of county witnesses must be approved by the Judge.
- (g)** Speed measuring device experts may appear by telephone, video conference call, or in person.

[Adopted effective September 1, 2000; amended effective September 1, 2001, September 1, 2003, September 1, 2009, September 2, 2014, September 1, 2016]

LIRLJ 3.5. DECISION ON WRITTEN STATEMENTS

- (a)** The court will consider requests for contested or mitigation traffic hearings by mail.
- (b)** To contest a hearing by mail the individual requesting the hearing must:
 - 1) submit full payment with their request unless payment in advance is waived by the court based upon a determination of financial inability to pay;
 - 2) include a statement that they understand that there is no appeal for a decision based on written statements;
 - 3) include a sworn statement of the circumstances of the incident and any other evidence they wish the judge to consider;
 - 4) include a brief justification for the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will examine the officer's report and matters submitted by the individual requesting the hearing. This examination may be done in chambers and will take place within 120 days after the individual submits the required information and tenders payment. The hearing is not governed by the rules of evidence. The court will determine whether the plaintiff has proved by a preponderance of all evidence submitted that the infraction was committed. If the court determines that it was committed it may assess a penalty in accordance with IRLJ 3.3. The court will notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(c) To request a mitigation hearing by mail, the individual requesting the hearing must:

- 1) submit full payment with their request unless payment in advance is waived by the court upon a determination of financial inability to pay;
- 2) include a statement of the circumstances of the incident and any other evidence they wish the judge to consider;
- 3) include a brief justification of the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will review the submission and the individual's driving record. This review will be done in chambers and will take place within 120 days after the individual submits the required information. If the court believes that mitigation is proper it will mitigate the penalty and return the amount tendered in excess of the penalty.

(d) **No Appeal Permitted.** No appeal may be taken from a decision on written statements on either contested or mitigated traffic infractions.

[Adopted effective September 1, 2000; amended effective September 1, 2001, September 1, 2008, September 2, 2014, September 1, 2016]

LIRLJ 3.6 DEFERRED FINDINGS

[Rescinded Effective September 1, 2025]

LIRLJ 3.6.1 DEFERRED FINDINGS

- (a) **Process.** To enter a deferred finding, the defendant must complete the written request form provided by the court and pay an administrative fee in full prior to entry of the deferred finding.
- (b) **Administrative Fee.** The base administrative fee shall be \$150.00; if the citation includes more than one infraction, an administrative fee of \$50.00 will be charged for each additional count.
- (c) **Additional Documents Required.** The following documents must be included with the written request for certain types of infractions.
 - (1) **Construction or Speed Zone.** If the infraction is in a construction or speeding zone. A written statement that specifically describes why entry of a deferred finding is justified.
 - (2) **Out of State Resident.** If the defendant is an out-of-state resident, a current copy of the defendant's home state driving record.

- (3) **Operating without Insurance** (RCW 46.30.020). If the infraction is for operating without insurance, a copy of valid insurance shall be included.
- (d) **Traffic School – when required.** If the defendant has received a citation involving a collision, a speeding infraction that are twenty (20) miles per hour over the posted limit, an infraction in a construction or speed zone, or a cell phone infractions (RCW 46.61.667) the court will require the defendant to provide proof of completion of traffic school by the end of the deferral period. The court clerk will maintain and provide a list of approved traffic school agencies.
- (e) **Deferral Period.** The deferral period is for six (6) months from the time of the entry of the deferred findings.

[Adopted Effective September 1, 2025 (replaces rescinded LIRLJ 3.6)]

FORMS

The following forms are approved for use in Island County District Court:

- (1) Waiver of Jury Trial
- (2) Waiver of Speedy Trial
- (3) Waiver of Attendance of Represented Defendant

[Amended Effective September 1, 2025]

**ISLAND COUNTY DISTRICT COURT &
MUNICIPAL COURT, STATE OF WASHINGTON**

STATE OF WASHINGTON
 CITY OF _____

Plaintiff,

Vs.

_____,

Defendant.

CASE NUMBER(s):

WAIVER OF JURY TRIAL

COMES NOW the above-named Defendant, an declare that:

Waiver of Jury Trial: I have been advised that I have the right to a trial of this matter by a six (6) person jury and to convict me they must unanimously find me guilty beyond a reasonable doubt. I have also been advised that if I waive my right to a jury trial, my case will be tried before a Judge / Commissioner only, and I may not later request a jury trial. I understand my right to a jury trial, and I understand that by signing this waiver, I give up that right. I make the above waiver(s) voluntarily and without threat or coercion of any nature. (I have discussed this matter fully with my attorney, and I wish to waive my right(s) as indicated above.)

I make the above waiver(s) voluntarily and without threat or coercion of any nature. (I have discussed this matter fully with my attorney, and I wish to waive my right(s) as indicated above.)

DATED this _____ day of _____, 20_____.

Defendant

Attorney Acknowledgement: I have read and discussed this waiver of jury trial with the defendant, and believe the defendant is making the decision to waive a jury trial knowingly, voluntarily, and intelligently.

DEFENDANT'S LAWYER _____ (name) _____ (WSBA NO.)

FINDINGS AND ORDER

I have questioned the defendant and find that (1) (s)he intelligently, knowingly and voluntarily waived the above rights to trial by jury, and (2) that (s)he was competent to make such a waiver.

Done in open Court and in the presence of the defendant this _____ day of _____, 20____

Judge / Commissioner

**ISLAND COUNTY DISTRICT COURT &
MUNICIPAL COURT, STATE OF WASHINGTON**

CASE NUMBER(s):

STATE OF WASHINGTON
 CITY OF _____

Plaintiff,

Vs.

_____,

Defendant.

**WAIVER OF RIGHT TO TRIAL
WITHIN 60/90 DAYS
RENUNCIA AL DERECHO DE
TENER JUICIO DENTRO DE 60/90 DIAS**

DECLARATION AND WAIVER OF DEFENDANT:

I am aware that I have the right, pursuant to CrRLJ 3.3, to a trial within 60 days (if detained in jail) or 90 days (if not detained in jail), of the “commencement date” defined in CrRLJ 3.3. I am aware that, if trial is not held within that time limit, the charges may be dismissed with prejudice. I have voluntarily decided to waive this right and agree to a new commencement date of _____. As a result of this waiver, the last allowable date for trial pursuant to CrRLJ 3.3 will be _____ (60 or 90 days after the date specified above).

Soy consciente de que tengo el derecho, de acuerdo con CrRLJ 3.3, a un juicio dentro de los 60 dias [si me detienen encarcelado] o de los 90 dias [si no me detienen encarcelado], a partir de la “fecha de comienzo” como es definida en CrRLJ 3.3. Soy consciente de que, si el juicio no se celebra dentro de ese limite de tiempo, las acusaciones se pueden dar por terminadas sin derecho de juicio nuevo. Yo voluntariamente decido renunciar este derecho y estoy de acuerdo con una nueva fecha de comienzo de _____. Como resultado de esta renuncia, la ultima fecha permisible para el juicio de acuerdo con CrRLJ 3.3 sera el _____. (60 o 90 dias despues de la fecha especificada arriba).

Date/Fecha

Defendant/Acusado

The Court finds the defendant's waiver of the right to speedy trial to be knowing, voluntary, and intelligent.

Date: _____

Judge / Commissioner

**ISLAND COUNTY DISTRICT COURT &
MUNICIPAL COURT, STATE OF WASHINGTON**

STATE OF WASHINGTON
 CITY OF _____

Plaintiff,

Vs.

Defendant.

CASE NUMBER(s):

**WAIVER OF ATTENDANCE OF A
REPRESENTED DEFENDANT &
ACKNOWLEDGMENT OF THE
AUTHORITY TO WAIVE OR
EXCLUDE SPEEDY TRIAL RIGHTS.**

COMES NOW the above-named Defendant, by and through counsel of record and does hereby submit:

- A Continuing Waiver of Attendance.
- A Waiver of Attendance limited to the hearing date of _____, 20____.

Dated this _____ day of
_____, 20_____.

[Signature]

Attorney for Defendant

WSBA No.

DECLARATION OF DEFENDANT

1. I am the defendant in the above-entitled matter.
2. I understand that I have a right to be present at all court proceedings involving my case.
3. I understand that I have a right to have hearings set to a date certain by the court and be notified of those dates by the court.
4. I am represented by the above-named attorney who is presenting this Waiver to the court.

5. I do hereby waive my right to be present at any pretrial hearings, readiness hearings, trial assignment hearings or other hearings on various motions which may be brought before the court.
6. I do further waive the right to have hearings set to a date certain by the Court and be notified by the Court of those future dates. By waiving this right, I fully understand that it will be the responsibility of my attorney to keep me informed of any court dates which my attendance is required, such as any trial dates. I understand that a failure of my attorney to keep me informed of any hearing dates where my presence is required could result in a warrant being issued for my arrest.
7. I also understand that I have a continuing obligation to my attorney to keep my attorney at all times informed of my mailing address and telephone numbers where I may be reached.
8. I also hereby give my attorney of record my informed written consent and actual expressed authority to:
 - I. Sign and/or execute Motion(s) for Continuances and Order(s) on Motions, scheduling orders, and/or other notice(s) of hearing on my behalf and without my presence or physical signature, and,
 - II. My attorney of record has the authority to:
 - a) waive my right to a speedy trial, and
 - b) waive my right to be tried within 90 (out of custody) and/or 60 (in custody) days (CrRLJ 3.3(b) Time of Trial Rule), and
 - c) To otherwise agree to exclude time under CrRLJ 3.3 (time for trial rule) as my attorney of record may deem appropriate or desirable at his/her discretion.

I declare under penalties of perjury under the Laws of the State of Washington that I have read the foregoing Declaration and that the contents thereof are true and correct to the best of my knowledge and information.

DATED this _____ day of _____, 20_____.

Defendant