

LOCAL RULES FOR CITY OF YAKIMA MUNICIPAL COURT

COMMENT: The following rules have been adopted for Yakima Municipal Court, and are effective September 1, 2025, as provided by GR7.

YAKIMA MUNICIPAL COURT
LOCAL RULES

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YMLAR 1.1 – PREAMBLE

These local rules for Criminal matters, Infractions and Appeals are assembled and numbered to conform with the numbering system and format adopted by the Supreme Court of the State of Washington as required under GR 7.

These rules supplement CrRLJ, ARLJ, CRLJ, and IRLJ.

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2009; September 1, 2010.]

YMLAR 1.2 – PLACE OF COURT

Unless otherwise ordered, the Court shall sit in the Courtrooms of the Richard Zais Law and Justice Center, 200 South Third Street, Yakima, Washington. The Clerk's Office shall be at the Richard Zais Law and Justice Center, 200 South Third Street, Yakima, Washington.

[Formerly YMLAR 1.3, adopted effective September 1, 1997; amended effective September 1, 2009. Renumbered YMLAR 1.2, effective September 2, 2014. Amended effective September 1, 2025.]

YMLAR 1.3 – SESSIONS

Regular Court sessions shall be held every weekday, holidays and court holidays excluded.

[Formerly YMLAR 1.4, adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010. Renumbered YMLAR 1.3, effective September 2, 2014. Amended effective September 1, 2025.]

YMLAR 1.4 – ORDER OF DOCKET

- (a) During regular sessions, the docket shall be posted and available from the Clerk's Office, except as modified from time to time by the Court or except as provided by YMLAR 1.5(b).
- (b) To minimize the impact on regular court dockets, the following hearings may be specially set:
 - (1) Written motions including, but not limited to, suppression motions pursuant to CrRLJ 3.5 and/or 3.6 shall be heard on the second and third Monday afternoon of the month or any other time designated by the judge hearing the motion.
 - (2) Hearings, including, but not limited to stipulated trials, deferred prosecution revocations, contested sentencings or probation hearings, shall be heard on the first Monday afternoon of the month or any other time designated by the judge setting the hearing.
 - (A) For stipulated trials or deferred prosecution revocations, copies of the deferred prosecution packet, stipulated order of continuance, police report and/or any other documents intended to be relied upon or admitted at the hearing shall be submitted to the court and disseminated to opposing counsel no less than one week prior to the hearing for review.
- (c) Civil matters, other than infractions, may be set on a docket designated to accommodate the parties.
- (d) For good cause shown, the Court may set any matter at other days and times.

[Former Rule 1.5 renumbered as Rule 1.5(a), adopted effective September 1, 1997; amended effective January 19, 1998; September 1, 2000; September 1, 2009; September 1, 2010. Renumbered YMLAR 1.4, effective September 2, 2014; amended effective September 1, 2023, September 1, 2025.]

YMLAR 1.5 – OFFICE HOURS

The Clerk's Office shall be open to the public and a clerk or assistant in attendance at the public window on every regular judicial day from 9:00 a.m. to 11:00 a.m. and 1:30 p.m. to 3:30 p.m. Due to the ongoing and unstable nature of the budget and economy, the public window hours may be adjusted upon determination of the presiding judge. Office hours shall be 8:00 a.m. until 4:00 p.m. each judicial day.

[Amended effective September 1, 2025.]

YMLAR 1.6 – PROBATION DEPARTMENT

Probation “services” are provided in conjunction with Yakima County Probation Services.

[Formerly YMLAR 1.7, adopted effective September 1, 1997; amended effective September 1, 2009; September 2, 2010. Renumbered YMLAR 1.7, effective September 2, 2014. Amended effective September 1, 2023.]

YMLAR 1.7 – JUDGES PRO TEMPORE

Except as limited by statute, Judges Pro Tempore shall be employed by the City of Yakima as a part-time employee and shall have the authority of a regular judge during regular Court sessions for which he or she is appointed.

[Formerly YMLAR 1.7, adopted effective September 1, 1997; amended effective September 1, 2009; September 2, 2010. Renumbered YMLAR 1.7, effective September 2, 2014. Amended effective September 1, 2023.]

YMLAR 1.8 – FILING OF ATTORNEY CERTIFICATION

To assure compliance with CrR 3.1, CrRLJ 3.1, JuCR 9.2, those attorneys who have been appointed as counsel in a criminal case shall file a signed certification of compliance with Applicable Standards with the Yakima Municipal Court Services Manager on a quarterly basis. The certification shall state what percentage of the attorney's practice is devoted to indigent defense. The certification shall also state that the attorney is familiar with the applicable Standards adopted by the Supreme Court for attorneys who are appointed to represent the indigent., including basic qualifications, office, investigators and caseload. An attorney shall immediately notify Yakima Municipal Court in the event he/she fails to maintain compliance with CrR 3.1, CrRLJ 3.1 or JuCR 9.2.

[Formerly YMLAR 1.0, adopted effective September 1, 2013. Renumbered YMLAR 1.8 effective September 2, 2014. Amended effective September 1, 2025.]

YMLAR 9 – DISCLOSURE OF RECORDS

(a) In accordance with both the letter and the spirit of General Rule 31.1 (GR 31.1 Access to Administrative Records), and the case law related to disclosure of administrative judicial records, Yakima Municipal Court adopts the following, effective January 1, 2016:

(1) Yakima Municipal Court hereby adopts the Local Government Common Records Retention Schedule (CORE), which relates to the management of the agency and its assets, finances, human resources, and information resources. (<http://www.sos.wa.gov/archives/RecordsManagement/UsingtheLocalGovernmentCommonRecordsRetentionScheduleCORE.aspx>)

(2) Yakima Municipal Court hereby adopts the District and Municipal Courts Records Retention Schedule as found on the City of Yakima website.

(3) Yakima Municipal Court hereby adopts the City of Yakima's Public Records Disclosure Policy.

(b) Access to confidential records is strictly limited to persons or entities authorized by statute or court order to obtain such records.

(c) Requests for access to court records shall be made in writing in the form provided by the Court, and shall be granted or denied by the designated public disclosure clerk, subject to review by the judge, who shall state reasons for denial in writing. Any person objecting to such denial of access may file a motion for reconsideration along with a supporting affidavit.

(d) Costs of copying and transcription shall be borne by the person or entity requesting any copies. Yakima Municipal Court follows the Public Records Fee Schedule set forth in YMC 1.60. Unless otherwise ordered by the Court, copy costs shall be as follows:

(1) Preparing a certified copy of an instrument on file or of record in the Clerk's Office: \$6.00

- (2) Preparing a copy of an instrument or document on file or of record without a seal: .15 cents per page;
 - (3) Copying a document without a seal or that is in an electronic format .10 cents per page;
 - (4) Copies made on a CD: \$5.00 per CD; CD recording/copying is based upon 15 minutes recording time. Actual cost may be more depending upon copying time.
- (e) No documents or electronic data may be removed from the court office, chambers, court room, except for storage, without prior written order of the Court.

[Adopted effective September 1, 1997. Amended effective September 1, 2009; September 1, 2018; September 1, 2023; September 1, 2025.]

YMLAR 17.5 – EMAIL COMMUNICATION

- (a) Purpose. The purpose of this rule is to provide guidelines for the use of email in communicating with the judicial officers and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for email communication over any other form of communication.
- (b) Guidelines for the Use of Email. Email communication with court staff is appropriate in the following typical situations:
- (1) to file motions to calendar, motions to quash a bench warrant or other documents to obtain a court hearing;
 - (2) to submit proposed orders and/or bench copies of pleadings or trial aides;
 - (3) to determine court docket availability;
 - (4) to confirm upcoming special set motion or resolution hearings or confirmed jury trial settings;
 - (5) and/or other matters of a similar nature that would be appropriate to handle by way of phone call to court staff.
- (c) Format. Emails shall include subject line that includes defendant name and case number. All documents must be submitted in PDF format; documents submitted in any other format will not be considered by the court.
- (d) Ex-parte Communications Prohibited. The prohibitions regarding ex-parte contact with the court are fully applicable to email communication. To avoid ex-parte contact, all parties must be included in the email and appear as additional recipients. If all parties are not included, the judge will not review the email or its content. If an attorney or party is communicating substantive information to the court staff, the email must also be sent to all opposing attorneys/parties. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated scheduling problems, concerns regarding security and other case-specific issues.

[Adopted effective September 1, 2025.]

YMLAR 30 – ELECTRONIC FILING AND SERVICE

(a) Definitions.

- (1) “OCourt” is an electronic scheduling forms program that integrates with JIS and allows for the electronic filing of certain court forms into a local document storage system.

(b) Electronic Filing Authorization, Exception, Service, and Technology Equipment.

- (1) While JIS remains the official repository of case information, the court uses OCourt as a means to facilitate electronic preparation and/or filing of certain court forms. Attorneys and other involved parties may set up password protected accounts that will allow for transmission of data and documents to the court and to the parties as provided in (b)(2). Permission to access the program is given based upon the profile of the user. The court determines the level of security allowed by the user. The court may choose to update data in OCourt from other sources to maintain consistency with JIS data, but it is the primary responsibility of the account holder to keep all personal contact information in the account updated and accurate.
- (2) The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (b)(1).
- (3) *Electronic Transmission from the Court.* The Court or clerk may electronically transmit notices, orders, or other documents to all attorneys and to parties who have filed electronically or have agreed to accept electronic documents from the Court, and who have provided the clerk the address of the party’s electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.
- (4) Service of documents on attorneys for parties of record may be completed electronically.

(c) Time of Filing, Confirmation and Rejection.

- (1) An electronic document is filed when it is received by the clerk's designated computer during business hours; otherwise, the document is considered filed at the beginning of the next business day.
- (2) If requested, the clerk shall send confirmation of receipt of an electronic document to the filing party.
- (3) The clerk shall reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.

(d) Authentication of Electronic Documents.

(1) *Procedures.*

- (A) A person filing an electronic document must have received a user ID and password from the Court Services Manager or a person delegated by the Court Services manager for any court that utilizes the OCourt programs in order to use the applicable electronic filing service.
- (B) All electronic documents must be filed by using the user ID and password of the filer.
- (C) A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the express authorization of the filer. Any person other than the filer must affix their name to the filing.

(2) *Signatures.*

- (A) Judicial Electronic Signatures. Judicial officers may sign orders or search warrants with a digital signature as defined in GR 30 in one of the following formats:
 - (i) The judicial officer affixes his or her electronic signature to the document. The document may be emailed to the intended recipients using OCourt email options or by emailing the document to the intended recipients using the judge's and/or

court staff's secure email account; the document shall be archived to the appropriate electronic court file on the City's secure electronic data storage system; or

(ii) The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or

(iii) The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or

(B) The document or email may also be signed in the following format if the document or email is sent from the judge's secure email account:

Judge X

Yakima Municipal Court

200 S. Third Street

Yakima, WA 98901

(509) 575-3050

(i) The printed version of the document signed by the judge pursuant to this rule shall constitute an original document and the document shall be made part of the court file, search warrant return file, or administrative file in the electronic format.

(ii) 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.

(C) Law Enforcement Signatures on Documents Signed Under Penalty of Perjury.

(i) A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user ID and

password to electronically file the citation or notice of infraction.

(ii) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application, the Justice Information Network Data Exchange, or the City's secure network. Unless otherwise specified, the signature shall be presumed to have been made under the penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(D) Court Facilitated Electronically Captured Signatures. An electronic document may be signed using an electronic signature pad or other equipment or methods that have been authorized and facilitated by the court. The document may be electronically filed as long as the electronic document contains the electronic captured signature.

(3) An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirement set forth in RCW 9A.72.085 and GR 13.

(e) Other. Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added to the court website to allow the documents to be viewed by the public.

[Adopted effective September 1, 2025.]

YMLRA 6.3 – TRANSCRIPTION OR COPIES OF RECORDING

On appeal, the appellant shall make a written request for transcription or duplicates of CDs, and shall specify the name and number of the case and the date of trial. Unless waived by statute, constitutional provision, or the Court, duplicates of tapes and of any log or index thereto shall not be delivered until full payment of the actual preparation costs as determined by the current fee schedule set forth in YMLAR 9(d).

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010, September 1, 2023.]

YMLCrRLJ 2.5 – PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE

[Adopted effective September 1, 2009; amended effective September 1, 2010, September 1, 2023. Rescinded effective September 1, 2025.]

YMLCrRLJ 2.6 – RECALL OF BENCH WARRANTS AND RESETTling CASES

A defendant who is charged with a criminal violation and has an outstanding bench warrant in the Yakima Municipal Court may address the warrant in one of the following manners:

- (a) Unless specifically prohibited by the Court at the time the warrant was ordered, personally appear at the Clerk's Office and pay the amount of the warrant fee in cash; or
- (b) Post full cash bail amount or post bond with the Court; or
- (c) Contact his/her attorney to file a motion to quash the bench warrant. If the defendant is not represented by counsel, he or she may file a written request to recall the warrant with the court. Motion should include explanation and/or supporting documentation for failure to appear; or
- (d) Turn self into the Yakima Police Department.

If defendant quashes bench warrant pursuant to subsections (a) – (c) of this rule, the defendant shall appear as ordered by the court.

[Adopted effective September 1, 2025.]

YMLCrRLJ 3.2 – RELEASED OF ACCUSED

(a) 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 \$500 for a misdemeanor and \$1000 for a gross misdemeanor unless examination of factors under CrRLJ 3.2 necessitates higher than standard bail, and except for the following exceptions:

- (1) Domestic Violence Cases. A defendant arrested on domestic violence offences, shall be detained without bail until arraignment on the next judicial day. Standard bail for domestic violence cases after arraignment shall be \$1,000, but the court may reduce or increase the amount of bail in an individual case giving due consideration to the factors specified in CrRLJ 3.2.
- (2) Driving Under the Influence/Physical Control. Defendants shall be held without bail pending hearing the next court day following booking for Driving Under the Influence (RCW 46.61.502) or Physical Control of a Motor Vehicle While Under the Influence (RCW 46.61.504) if the arresting officer:
 - (A) has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years;
 - (B) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.
- (3) Other Non-Bailable Offenses Pending First Court Appearance by Defendant. Unless subject to a probable cause determination under CrRLJ 3.2.1(a), defendants shall be held without bail pending hearing the next court date following booking for these crimes:
 - (A) Assault in the Fourth Degree (RCW 9A.36.041)
 - (B) Harassment (RCW 9A.46.020)

(C) Violation of Anti-Harassment Order (RCW 9A.46.040)

(D) Stalking (RCW 9A.46.110)

(E) Communicating with a Minor for Immoral Purposes (RCW 9.68A.090)

(b) If the defendant posts sufficient bond or cash for release prior to his or her appearance in court, the defendant shall sign the promise to appear set forth in the release form as part of the release process.

(1) Cash deposited as bail is presumed to be the property of the accused regardless of who actually made such deposit. Such bail may be forfeited or applied to any fines and assessments.

(2) 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.

(c) A bailor may request a hearing pursuant to these rules by filing a request in person and in writing with the Court within 30 days of the entry of the order forfeiting such bail. Such bailor shall have the burden of proving by a preponderance of evidence that the bail was either unjustly forfeited or that the funds were neither the property of nor a gift to the defendant.

(1) At such hearing, the Court may consider written evidence, properly presented, such as promissory notes or loan statements, but such evidence alone shall not be deemed decisive.

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2009; September 1, 2010; September 1, 2025.]

YMLCrRLJ 3.3 – TIME FOR TRIAL

- (a) Scheduling. Each criminal case set for trial shall be scheduled for a disposition hearing before trial. Failure of the Defendant to appear at the disposition hearing shall be grounds for striking any trial date and issuance of a warrant for the Defendant's arrest.
- (b) At the disposition hearing, each party shall file a witness list with the court and provide a copy to opposing counsel.
 - (1) Parties shall give notice to the court if any witnesses require the assistance of a foreign language interpreter. Notice shall include the required language.
- (c) Any case confirmed for jury trial, by both parties shall be set for a confirmation hearing the next Wednesday, prior to the jury trial, at 10:00 a.m. in Courtroom #2.
 - (1) Failure of a party to confirm the jury trial as required shall cause the case to be stricken as a jury trial.
 - (2) The Court finds good cause to require the defendant's appearance at the confirmation hearing. Failure to appear shall be grounds for striking the trial date and issuing a bench warrant for the Defendant's arrest.
- (d) Scheduled and confirmed jury trials shall proceed and be called according to the priority of time for trial limits under CrRLJ 3.3. In the event of more than one jury trial being scheduled and confirmed, cases having a lower priority shall be set as trailing, to be called as soon as possible that day or the next available judicial day.
 - (1) Parties with confirmed cases shall notify the Court, in writing, to strike the jury prior to the confirmation/settlement deadline of the day before trial at 3:00 pm.
 - (2) Absent a showing of good cause, the parties may be required to pay costs incurred by the court as a result of the failure to cancel a confirmed trial after the deadline in section (d)(1) of this rule.
- (e) The parties shall exchange, and provide a copy to the court, motions in limine and proposed jury instructions by 3:00 pm on the day prior to trial.

[Adopted effective September 1, 1997; amended effective January 19, 1998; September 1, 2000; September 1, 2009; September 1, 2010; September 1, 2025.]

YMLCrRLJ 3.6 – SUPPRESSION HEARING PROCEDURES

- (a) Motions to suppress physical, oral or identification evidence, other than motions pursuant to Rule 3.5 shall be in writing, supported by an affidavit 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 no evidentiary hearing is required, the court shall set forth its reasons on the record for not conducting an evidentiary hearing.
- (b) Pleadings required for compliance with this rule shall be submitted in writing to the court and the nonmoving party prior to a hearing date being set. Upon filing in open court, the Court shall set a motion hearing date in accordance with subsection (c) of this rule and set a briefing schedule.
 - (1) Responsive pleadings may be submitted to the court and moving party in compliance with the briefing schedule set by the Court. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.
- (c) Before noon on the Wednesday before the motion hearing, the prosecutor, defense attorney or the defendant, if appearing pro se, shall confirm the motion, or advise that some other type of disposition has been reached, to the Court by written emailed confirmation. Confirmation must be received by 12:00 pm to be effective.
 - (1) Motions that are not properly confirmed may be stricken from the docket.
- (e) Unless otherwise required by State Court Rule, the Court shall state findings of fact and conclusions of law based upon the pleadings submitted on the record or in writing.

[Adopted effective September 1, 2025.]

YMLCrRLJ 6.1.1 – TRIAL BY JURY

[Adopted effective September 1, 1997; amended effective September 1, 2000; September 1, 2002; September 1, 2009; September 1, 2010; September 2, 2014; September 1, 2023. Rescinded effective September 1, 2025; incorporated into YMLCrRLJ 3.3 and YMAR 1.4.]

YMLIR 2.4 – RESPONSE TO NOTICE

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010; amended on an emergency basis effective July 6, 2016; April 12, 2017; amended effective September 1, 2019; September 1, 2020; amended effective September 1, 2023. Rescinded effective September 1, 2025.]

YMLIR 2.6 – SCHEDULING OF HEARINGS

A court clerk may grant one telephone request for a continuance.

- (a) For a mitigation hearing, the continuance must be requested by 4:00 p.m. the day before the scheduled hearing.
- (b) For a contested hearing, the continuance must be requested not less than three weeks before the scheduled hearing. The party requesting the continuance may be responsible for any witness fees incurred.

Thereafter, all requests must be made in writing and approved by the court.

[Adopted effective September 1, 1997; amended effective September 1, 2009; September 1, 2010; amended effective September 1, 2025.]

YMLIR 3.5 – DECISION ON WRITTEN STATEMENTS

- (a) Parties may submit a written request to mitigate or contest an infraction using the form provided on the Yakima Municipal Court website. Parties must submit all evidence to be considered by the Court at the time of submission for written decision.
- (b) Mitigation Decisions. Written responses to mitigate an infraction or request a deferred finding may be permitted.
- (c) Contested Decisions. 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) The Court shall determine whether the City has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.
 - (2) If the Court determines that the infraction has been committed, it may assess a penalty and any appropriate costs.
- (d) The Court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.
- (e) There shall be no appeal from a decision on written statements.

[Adopted effective September 1, 2025.]

IT IS HEREBY ORDERED that the foregoing Local Rules are hereby adopted as Local Rules of Practice and Procedure for the Yakima Municipal Court pursuant to GR 7.

ADOPTED July 1, 2025

EFFECTIVE September 1, 2025

/S/

JUDGE ARYN M. MASTERS