TACOMA MUNICIPAL COURT

LOCAL RULES

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TACOMA MUNICIPAL COURT LOCAL RULES

GENERAL RULES (TMCLGR)

TMCLGR 1.1 SCOPE OF RULES

(a) Scope. These rules apply to the Municipal Court of Tacoma. The other provisions of the Pierce County District Court local rules are not applicable to Tacoma Municipal Court.

[Adopted effective 9/1/26]

TMCLGR 16.1 COURTROOM PHOTOGRAPHY AND RECORDING

(a) Video and audio recording and still photography by the news media is allowed in the courtroom, provided that permission is obtained in accordance with Washington Court Rule GR 16;

(b) Procedures for video and audio recording and still photography by the news media will be conducted in accordance with GR 16;

(c) A judicial officer may permit inconspicuous personal audio recording devices to be used by persons in a courtroom to make audio recordings as a personal note of the proceedings. A person proposing to use an audio personal recording device must obtain advance permission from the judge. The recording must not be used for any purpose other than as a personal note;

(d) Video recording and still photography by non-news media persons is prohibited;

(e) "Personal audio recording device" is a device used to record audio only, and that is on, held by, or immediately next to the person who is operating the device;

(f) Prohibitions: (1) no video or audio recording or still photography is permitted when the judicial officer is off the bench; (2) there will be no video or audio recording or still photography of jurors, jurors statements or jurors conversations; (3)) there will be no video or audio recording or still photography of minors; (4)) there will be no video or audio recording or still photography of members of the public who are not participants observing present in the courtroom; (5) there shall be no video recording or still photography of readable images of documents or other materials, whether in electronic or other form, that are located on counsel table, the judge's bench, the work area of judicial staff, or the jury box;

(g) No video, audio, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule may be used to modify or supplement the official record of that proceeding, nor is it admissible at that or any other proceeding unless it is offered for another purpose allowed under the Washington Rules of Evidence;

(h) Any violation of this rule or an order made under this rule is an unlawful interference

with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

[Ratified and adopted effective 9/1/26]

TMCLGR 29.1

[Rescinded 9/1/26]

TMCLGR 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 document or documents filed for the duration of the waiver.

(b) Upon a showing of good cause, the court may waive the requirements 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 a 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.

(a) **Electronic Service**: If a party services another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

[Ratified and adopted effective 9/1/26]

TACOMA MUNICIPAL COURT LOCAL CRIMINAL RULES

TMCLCR 1.7.1 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7, GR29(f)(8), CrRLJ 1.7 and IRLJ 1.3 of the Washington Court Rules. These rules govern the procedure in the Tacoma Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. The Pierce County District Court may modify or suspend any of these local court rules in any given case upon good cause being show or upon the court's own motion in the interest of justice and/or judicial economy.

[Ratified and adopted effective 9/1/26]

TMCLCR 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.

[Ratified and adopted effective 9/1/26]

TMCLCR 2.2.1 CERTIFICATE OF ADDRESS REQUIREMENT WITH COMPLAINT

The court requires the certificate of address (CrRLJ 2.2(a)(3)) to be provided at the time of filing the complaint. When the complaint is filed, together with the certificate of address, the court will direct the clerk to issue a summons commanding the defendant to appear before the court at a specific time and place. CrRLJ 2.2(b)(1).

The summons may be served any place within the state. It may be served by a peace officer, who shall deliver a copy of the same to the defendant personally, or it may be delivered by the court mailing the same, postage prepaid, to the defendant at his or her last known address. CrRLJ 2.2(d)(2). The court requires the certificate of address at the time of filing the complaint to ensure due process and the summons is mailed to the last known address.

The certificate of address must comply with CrRLJ 2.2(a)(3)(i). Pursuant to CrRLJ 2.2(a)(3)(i), the court shall not issue a warrant unless it determines that the complainant has attempted to ascertain the defendant's current address by searching the following: (A) Judicial Access Browser System (JABS) including Judicial Information System (JIS) and/or the District Court Information System database (DISCIS), (B) the driver's license and identicard database maintained by the Department of Licenses; and (C) the database maintained by the Department of Corrections listing persons incarcerated and under supervision. The court in its discretion may require that other databases be searched.

[Ratified and adopted effective 9/1/26]

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 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.

[Ratified and adopted effective 9/1/26]

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)

[Ratified and adopted effective 9/1/26]

TMCLCR 3.3.1 STIPULATION, CONTINUANCE AND WAIVER OF SPEEDY TRIAL

Stipulation, Order Continuing Hearings, Notice of Hearing and Waiver of Speedy Trial may be granted off-the-record if:

(1) The case is in pretrial status and has not been set for trial;

(2) The parties use the Court authorized form located on the Court's website;

(3) The proposed next hearing date has been preapproved by the Department presiding over the case;

a. Department 1, Courtroom 134: MunicipalCourt134@tacoma.gov

b. Department 2, Courtroom 234: MunicipalCourt234@tacoma.gov

c. Department 3, Courtroom 235: MunicipalCourt235@tacoma.gov

(4) The form has been signed and/or electronically signed by all parties to include the Attorneys and Defendant;

(5) The form has been e-filed with the Court at least 2 days prior to the scheduled hearing. Late filings will be heard on the record on the currently scheduled date;

(6) All other requirements under CrRLJ 3.3 have been fully satisfied.

(b) The Court will grant off-the-record continuances at its discretion.

[Ratified and adopted effective 9/1/26]

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 CrR3.2 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.

[Ratified and adopted effective 9/1/26]

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.

[Ratified and adopted effective 9/1/26]

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 himself/herself/themself into the Pierce County Jail.

[Ratified and adopted effective 9/1/26]

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.

[Ratified and adopted effective 9/1/26]

TMCLCR 4.2.1 RESOLUTION DOCUMENTSDEADLINES

(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.

[Ratified and adopted effective 9/1/26]

TMCLCR 4.5.1 READINESSHEARINGS

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.

[Ratified and adopted effective 9/1/26]

TMCLCR 8.2.1 MOTIONS

CrRLJ 3.5 and TMCLCR 3.6.1 shall govern motions in criminal cases. A motion for reconsideration shall be governed by CRLJ 59(b), (e) and (j).

[Ratified and adopted effective 9/1/26]

TMCLCR 8.2.2 MOTION OF CITYWIDE SIGNIFICANCE

Upon the filing of a motion in a criminal case, any party may request that such motion be designated as an "issue of citywide significance". A judge may, on his or her own motion or upon receiving such a request from a party, request of the Municipal Court of Tacoma Committee Chair that such motion be designated as an "issue of citywide significance".
Upon receiving such request from a Judge, the Municipal Court of Tacoma Committee Chair may designate such motion as an "issue of citywide significance". Upon designation of a motion as an "issue of citywide significance", the Municipal Court of Tacoma Committee Chair shall assign three judges to act as a panel to hear the motion.
The panel of judges shall hear testimony and argument and enter Findings of Fact and Conclusions of Law and Decision ("Ruling") on the motion. Judges of the Court shall then have the following options:

(1) accept such Ruling in its entirety;

(2) not accept such Ruling and schedule a hearing before the referring judge for the presentation of testimony and argument; or

(3) accept the Findings of Fact and Conclusions of Law, in whole or in part, and make a separate decision thereon.

[Ratified and amended effective 9/1/26