

Spokane Municipal Court

Differentiated Case Management Process Procedure Outline

Hearing Type & General Processes

Issues Considered at Hearing

Required Forms

Arrest/1st Appearance

- No procedural/process change
- Engagement of defense counsel emphasized
- If NOA is entered waiving Arrest, the Court will set an initial Pretrial Conference

Order on Arrest/1st Appearance

- No change for in custody cases
- NOA filed for out of custody cases will result setting of initial Pretrial Conference,

Initial Pretrial Conference

- Set within 15 days following Arrest/1st Appearance

Defendant present?

- If no, FTA warrant or hear from any defense counsel present re: warrant/continuance
 - If warrant ordered, all dates previously set under either a Preliminary Scheduling Order or Supplemental Scheduling Order are stricken
- If yes, move to other hearing issues, both listed below and as advanced by either party

Defense counsel status?

- If defendant wants counsel, determine status of counsel and take appropriate action to assure and/or accelerate engagement
- If PD requested, have screened by Probation if necessary, and have defendant contact PDs for appointment date or confirm current appointment date.
- If hiring private counsel, reinforce need for immediacy of engagement with counsel
- If choosing to represent self, colloquy & waiver

Is Initial Pretrial a reset due to prior FTA?

- If the Initial Pretrial not a reset, move on to other issues
- If the Initial Pretrial is a reset and/or serial reset, determine basis of FTA and consider impact on schedule going forward

Preliminary Scheduling Order

- Unless cases are joined or will be tried together, only one case number per order
- Most common result
- 60 day schedule in custody or 90 out of custody
- Schedule Pretrial 1 on the first appropriate Pretrial Conference date after PD or private counsel appointment

OR

Supplemental Scheduling Order

- Unless cases are joined or will be tried together, only one case number per order
- Only entered where there has been contact & advanced discussions between client, defense, and prosecution, with an agreement as to the schedule

Preliminary Schedule Track Pretrial Conference 1

- May be waived via stipulation if the defendant has positively engaged and met with counsel
 - Unless the parties submit an agreed scheduling order with the Waiver of Hearing, a Preliminary Scheduling Order will be entered by the Court and transmitted to the parties.

Defendant present?

- If no, FTA warrant or hear from any defense counsel present re: warrant/continuance
 - If warrant ordered, all dates previously set under either a Preliminary Scheduling Order or Supplemental Scheduling Order are stricken
- If yes, move to other hearing issues, both listed below and as advanced by either party

Defense counsel status?

- Determine status of counsel and take appropriate action to assure and/or accelerate engagement
- If defense counsel engaged, move next issue
- If not engaged:
 - Define reason, e.g. missed appointment, consider basis, have defendant contact attorney for new appointment date, etc., and have colloquy re: defendant-counsel obligations
 - Continue Pretrial 1 as appropriate to assure engagement of counsel

Status of case?

- Is this a new case or been through the cycle previously?
- Have parties discussed the case and prepared to move to 120, 180, or 270 schedule?

Preliminary Scheduling Order

- 1st case pass through cycle:
 - No new form entry required. Continues as default schedule from Initial Pretrial unless Supplemental Case Scheduling Order is entered by agreement

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- Subsequent case passes through a preliminary schedule based upon defendant's failure to appear
 - Entered as default unless a Supplemental Case Scheduling Order is entered by agreement of the parties, with concurrence from the Court, as an alternative case schedule that is case appropriate after considering speedy trial time remaining for case.

Supplemental Scheduling Order

- 1st case pass through cycle:
 - Entered only by agreement of the parties
- Subsequent case passes through a supplemental schedule based upon defendant's failure to appear
 - Entered by agreement of the parties and concurrence from the Court that an alternative case schedule is case appropriate.
 - At some point the cycle of FTA and reset must stop.

Stipulated Waiver of Hearing

- May only be submitted when the defendant has positively engaged and met with defense counsel and the parties are in agreement that no pretrial conference is necessary to advance the case toward resolution.

Continuance

- Should only be entered for the purposes of engagement of defense counsel. "Blue form" continuance/scheduling order is acceptable.

Additional Pretrial Conference – Any Schedule

- Set automatically by either party to address any case status issue
- May not be used as alternative to motion practice

Issues addressed are setting specific – See form

Request for Setting - Pretrial Conference

- Used to set Pretrial Conferences
- Required to be served on opposing party

Motions

- Set by parties using current state and local motion practice rules
- May not use Readiness hearings for pretrial motions
- Includes motions to change / alter case schedule
 - Do not assume agreed orders for this purpose will be automatically granted (See Continuance Policy previously published)

Existing motion “pink” form or party drafted motion used.

- If motion to change alter a previously entered Preliminary or Supplemental Case Scheduling Order is granted, enter an “Amended” Preliminary or Supplemental Case Scheduling Order with the approved new dates.

Dispositions

- An agreed disposition via plea of guilty can be done at any time in a case schedule via a setting on disposition docket that occurs *prior* to the date currently set for readiness.
 - If you wish to set a matter for plea on a date that occurs after the date currently set for readiness, an Amended Preliminary or Amended Supplemental Scheduling Order specifying readiness and trial dates beyond the proposed disposition date must be entered before the plea date may be set.
 - A plea on regular pretrial or readiness docket is discouraged, but permitted, based upon the time/delay involved.
 - If a readiness docket is too large to accommodate Court COVID safety protocols, the judicial officer assigned to that docket may send an email to counsels representing individuals thereon indicating pleas will not be permitted on the referenced docket
 - All pleas on pretrial and readiness dockets will be done at the end of the docket.
 - Special settings can be done under unique circumstances with judge’s permission
 - Greater flexibility in setting in custody defendants will reduce unnecessary days in custody
- SOC’s can be entered on any docket
 - Doing so off docket is encouraged to avoid unnecessary density in the courtrooms

Request for Setting – Disposition/Resolution

- Used to set and matter on a disposition/resolution docket.
- Dates requested for a disposition/resolution **must** be prior to the date set for readiness.
- Filing this form results in the Court canceling all future Pretrial Conference dates. Trial and Ready hearings remain set until the disposition pleadings are entered with the Court and the disposition is complete.

All other forms remain unchanged

Hearing Type & General Processes

[Issues Considered at Hearing](#)

[Required Forms](#)

Ready

- Review and confirm readiness for trial
- May not be used as alternative to motion practice/settings
- Do not assume continuance requests on the day set for hearing, whether agreed or not, will be automatically or routinely granted (See Continuance Policy previously published)

Trial

- Same procedural process as currently used
- All jury trials will be scheduled for Courtroom A until further notice
- Jury selection will be done in the jury assembly room on the third floor of the Courthouse Annex until further notice
- Do not assume continuance requests after the ready hearing, whether agreed or not, will be automatically or routinely granted (See Continuance Policy previously published)