

GIG HARBOR MUNICIPAL COURT
LOCAL CRIMINAL COURT RULE (LCrRLJ)

LCrRLJ 3.3 -- RIGHT TO AND ASSIGNMENT OF COUNSEL

1) Types of Proceedings. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty.

2) Explaining the Availability of a Lawyer. When a person has been arrested, he or she shall as soon as practical be advised of the right to a lawyer. Law enforcement shall allow a person in custody access to a telephone and the current contracted public defender's number if they choose to consult with an attorney.

3) Assignment of Lawyer. Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court will consult the current poverty guidelines as provided by RCW 10.101 to determine eligibility.

4) Withdrawal of Lawyer. When a case has been set for trial, no lawyer shall be allowed to withdraw, except upon consent of the court for good cause shown and upon substitution of another lawyer or upon the defendant's knowing and voluntary decision to proceed without a lawyer.

5) Upon completion of a case, a signed order deferring prosecution, or a Stipulated Order of Continuance, the lawyer shall be allowed to withdraw without consent of the court. If the lawyer does not withdraw at the completion of the case, and a review or violation hearing is scheduled by the court before the attorney has withdrawn, the attorney's appearance is mandatory. A Readiness Hearing shall be held before the Municipal Court Judge in every case in which a timely demand for jury is made. Notice shall be given in open court by the judge to all parties indicating the date and time for this hearing. At the hearing the city prosecutor, defendant, and the defendant's counsel (if any) must be present. By the Readiness Hearing date, all discovery must be completed and all motions must have been timely filed. Furthermore, parties shall advise the court if the case can be settled by other than a jury trial. The Court will strike the scheduled jury trial and may issue a bench warrant for any defendant that does not appear at the Readiness Hearing.

[This Rule shall be effective September 1, 2022.]