

PROPOSED CASE-SCHEDULING HEARING MODIFICATIONS

After meeting with representatives of EPU and three of the indigent defense agency supervisors and hearing recommendations from all, the following is a proposed pilot to begin 6 June 2011:

All cases will, at arraignment, get a case scheduling hearing two weeks from arraignment. No waivers will be accepted at arraignment absent unusual circumstances, *e.g.*, defendant lives out of state.

At the first case scheduling, defendants with class A felonies, sex offenses and POAA allegations, defendant may waive for 60 days and obtain a second case scheduling in two months. Significant progress must be shown at the second case scheduling hearing (expert witnesses must have been obtained, records for mitigation must be sought quickly, negotiations must be commenced well before the day before the hearing). These clients should be brought to court for the second case scheduling hearing.

In all other cases, the default will be that defendants are not ordered for the case scheduling hearing. Defense counsel may obtain a time for trial waiver from the defendant and may present the court with an order continuing case scheduling hearing which sets forth in writing the reasons why counsel is seeking a continuance of case scheduling. The continuance shall be for no more than four weeks. These reasons should be similar to the information provided to the coverage attorney when one is used. If the state agrees to the continuance, the parties may pass the endorsed order to the court. If the court concurs, the order will be signed by the court; if the court anticipates denying the continuance, or if the court needs more information, the case-scheduling hearing will be continued for up to a week so that defendant can be brought to court. If the state disagrees with the request for the continuance and wishes argument, then the case-scheduling hearing will be continued up to a week for defendant to be brought to court.

If counsel wants the defendant in court for the hearing, counsel shall e-mail Karen Igo at seacase@kingcounty.gov or deliver a written request by 1:30 p.m. the court day before the case-scheduling hearing (or Thursday for Monday).