
Bail Motion Calendaring Process

Under Emergency Order 12, the process for noting and hearing bail motions has changed. Please refer to this info sheet for an overview of the process.

1) Generally

- EO 12 states that bail review motions for in-custody defendants may be noted with 24 hours notice for non-violent matters and 48 hours notice for violent matters.
- Motions requiring less than 10 minutes may be heard in 1A.
- Motions requiring more than 10 minutes may be heard in the extended criminal hearings courtroom (currently Courtroom 3E/Dept. 7).
- The parties must determine whether there is hearing space before requesting a date and time for the motion. They do so by checking the court website here: <https://www.snohomishcountywa.gov/1338/Calendars-and-Schedules>

2) Noting the Motion

- The motion is noted by following these steps:

Electronically file a Calendar Note (the EO is silent re whether and how briefing shall be filed; accordingly, standard practice should be followed).

The Calendar Note shall state the date and time for the hearing and the approximate amount of time required for the motion.

Email the law clerk for the judge responsible for the calendar with the following documents:

- A working copy of the Calendar Note;
- A working copy of any briefing;
- Functionally, parties interpret emailing “the law clerk” as a directive to email the materials to the criminal hearings email address (hearings.scc-criminal@co.snohomish.wa.us)

NOTE: parties shall include the following information on the RE line for all emails directed to hearings.scc-criminal@co.snohomish.wa.us

- Name of the case (e.g., State v. Smith)
- Cause No. (e.g., 20-1-00201-31)
- Name & Type of Motion (e.g., Defense Motion to Reduce Bail)
- Proposed Hearing Date & Time: (e.g, 1/14/21 @ 11am)
- Proposed Hearing Location: (e.g., 1A or 3E)

3) Additional Context

- This process circumnavigates the regular process for placing matters on the extended criminal motions calendar for bail motions only.
 - i.e. attorneys do not need to file a Criminal Calendar Note for the Friday 3pm Criminal Motions Call Calendar and there is no duty to confirm the bail review hearing.
- This process does not circumnavigate the regular process for emailing matters to hearings.ssc-criminal@co.snohomish.wa.us.
- The Corrections Transport Team only transports in-custody defendants at 9am, 10am, 11am, 2pm and 3pm. Thus, hearings for in-custody defendants must be heard at those times (unless the defendant can appear by video link on the 1pm calendar).
- Too many bail review hearings on the 1pm calendar can congest the calendar; some may need to be set over.
- When attorneys check the “Calendars-and-Schedules” link referenced above, it only shows whether a session is open or closed. Thus, unless they check with a law clerk, the attorney will only have very general information about hearing slot availability.