

# Superior Court

## Notice to the Bar & Public

November 16, 2011

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**ATTENTION Law Office Personnel:** Please ensure that ALL staff, attorneys and non-attorneys are aware of the contents of this notice.

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### **TRIAL SETTING INSTRUCTIONS and NEW TIME for DOMESTIC TRIAL SETTING CALENDAR**

**DOMESTIC TRIAL SETTING CALENDAR:** Effective December 1, 2011 the Trial Setting Calendar for domestic cases will be held at 11:00 in the 3<sup>rd</sup> floor Attorney Conference Room outside Courtroom #3. Trial settings already noted for 1:00 as of the date of this Notice will still be handled at 1:00, so parties do not need to Re-Note to the new time. **Non-domestic civil trial settings will continue to be at 1:00.** Parties may consult the Civil Trial Calendar and the Settlement Conference Calendar online to explore potentially agreeable dates prior to the Domestic Trial Setting Calendar in accordance with the Trial Setting Instructions.

**TRIAL SETTING INSTRUCTIONS:** The procedures for the scheduling of and conduct of calendars vary from time to time, as necessary. Rather than modify local rules every time a change is needed, the Court will from time to time publish updated instructions and procedures. To efficiently give the Bar and Public a reliable resource to consult in obtaining a trial date, the court has drafted the following instructions which will be posted on our web page under **Calendars**:

### **CIVIL TRIAL SETTING INSTRUCTIONS**

*Effective November 16, 2011*

1. These instructions replace all procedures contained in prior Bar Notices and are to be used in conjunction with Whatcom County Local Rules. In accordance with the Court Calendar Schedule posted online and referred to as Appendix A by the Whatcom County Local Rules, the Domestic Trial Setting Calendar is on Fridays at 11:00 and the Civil Trial Setting Calendar is on Fridays at 1:00. There will be no trial setting calendars on weeks where Friday is a holiday or a courthouse closure day. Please note that Whatcom County no longer has a Calendar Clerk.
2. Parties seeking a trial date must serve and file a Note for Trial Setting (see Local Forms) in conformance with the requirements of WCCR 40.1(a). The remainder of WCCR 40.1 is obsolete. The filing of a Notice of Conflicts is neither required nor prohibited.
3. Trial settings must be confirmed with the Assigned Judge's Judicial Assistant no later than noon on Wednesday for that Friday's Trial Setting Calendar. Parties may consult the Civil Trial Calendar posted weekly online at [www.whatcomcounty.us/superior](http://www.whatcomcounty.us/superior) under **Calendars** to determine potentially agreeable trial dates, but at least one party must appear at the Trial Setting Calendar with original signatures and Order Setting Trial Date (preferably using our Local Form) in hand to actually secure the date. Non-lawyer staff may do this as long as the attorneys have signed. If a properly noted and served party does not appear at the Trial Setting Calendar, the noting party may obtain a trial date in the other party's absence. The absent party will be held to the trial date providing the noting party files proof of service of the Order Setting Trial Date on the absent party. We then take your Order Setting Trial Date at the Trial Setting Calendar and secure a Judge's or Commissioner's signature. Attorneys may download a copy of the Order Setting Trial Date with any applicable instructions within a few days. Pro se parties will be mailed a copy of the Order Setting Trial Date with any applicable instructions.
4. Attorneys and parties who are unable to agree to trial/settlement conference dates at the Trial Setting Calendar shall appear before the assigned judge at the 1:30 Civil Motion Calendar that same day and the court will order the trial/settlement conference dates. Whatcom County does not issue Discovery Schedules; litigants must enter an Order Compelling Discovery on their own either by motion or by agreement.

5. Civil trials start on Tuesdays or on Wednesdays with weeks starting with a Monday holiday. One day trials may be set on a Wednesday. Domestic cases requiring two hours or less may be placed on the monthly Stacked Dissolution Calendar. No trials are conducted on Fridays, although a jury may deliberate on a Friday. Trials will be limited to a half-day on days where Judge Snyder/Department 3 holds Drug Court and where the rotating judge is set to hear the Criminal Calendar (usually Thursdays, but not always). These calendars are posted on the Civil Trial Calendar for viewing. Longer trials should avoid weeks where the Assigned Judge is on the Criminal Calendar rotation. A trial setting to a particular Department is tentative only and does not assure trial before that Department as determined on a case-by-case basis. Scheduling of complex cases requiring significant time for trial more than nine months out may consult with the Assigned Judge's Judicial Assistant for a trial date prior to attendance at the Civil Trial Setting Calendar.
6. Criminal trials, mental commitment trials, habeas corpus hearings, unlawful detainer trials, and termination of parental rights trials all have statutory priority over civil and domestic trials. A Judicial Assistant will notify parties if a case is called in for trial, but no notification means that the case will not go to trial on that day. Please refrain from calling the Judicial Assistant or the Clerk's Office or the Jury Coordinator in the weeks and days ahead of a trial date to inquire about whether the trial will go as scheduled, as it is impossible to know until the day before the trial date for the reasons stated above. If a civil or domestic trial is bumped by one of the above, parties must note the case for the Trial Setting Calendar to obtain a new trial date. Parties must also follow this procedure when the Assigned Judge is unavailable, even if that judicial unavailability was not posted at the time the trial date was set. If a case has been "bumped" one or more times, this may be criterion for a future priority setting if called to the attention of the Assigned Judge.
7. See also local rules 40.2 through 51 for further trial-related procedures.