

Superior Court

Notice to the Bar & Public

July 17, 2003

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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Proposed Changes to Local Rules ~ Effective 9/1/2003

Printed on the reverse are proposed changes to **WCCR 77.2, Civil Motion Calendar Procedures**, modifying the time for filing motions and responsive motions, and **WCSPR 94.05, Domestic Relations Show Cause Hearings and Motions**, also modifying and making uniform the time for filing motions and responsive motions. Please offer any comments to the Court Administrator. A copy of the proposed changes is located on the Court's web page at:

http://www.whatcomcounty.us/superior/local_rules/localrules.jsp

Time Pay in Criminal Judgments & Sentences

In order to facilitate new legislation requiring each County Clerk to manage the payment of adult criminal legal financial obligations (LFO), effective 7/1/2003, Whatcom J&S' have been amended to include the requirement that unless any LFO is paid in full at the time of sentencing the defendant is required to complete a **Time Pay Application and Agreement** with the Clerks agent for those purposes. The J&S also provides that in the event that the defendant becomes delinquent in the time pay program, the case is immediately transferred to Collections under the in-place Collections program.

For those defendants who take the Time Pay option, the **Time Pay Application & Agreement** must be completed and signed by the time of sentencing. The blank forms will be sent to assigned counsel at the time of their appointment and to the private defense bar along with plea offers and guilty plea statements. The form also appears on the Court's web page at:

<http://www.whatcomcounty.us/superior/forms/forms.jsp>

Completed and signed forms must be given to the Court at the time of sentencing. *(The forms will not be filed in the case file, as they contain personal information not accessible to the public at large, but will be forwarded to the Clerk's agent for time payment processes.)*

Whatcom County Superior Court 2003 Revisions and Additions to Local Rules

In accordance with GR7, the following changes to the Whatcom County Superior Court Local Rules are proposed by the Whatcom County Superior Court and are forwarded for publication and comment. Comments should be mailed to Whatcom County Superior Court, 311 Grand Avenue, Bellingham, Washington 98225. The effective date of changes is September 1, 2003.

Summary of Changes

These changes modify and make uniform the motions filing and reply deadlines for civil and domestic relations cases.

WCCR 77.2 Court Calendar Schedule, Pre-Arranged Settings, Motion Calendar Procedures, Confirmation
WCSPR 94.05 Filings in Family Law Cases

WCCR 77.2 **Court Calendar Schedule, Pre-Arranged Settings, Motion Calendar Procedures, Confirmation**

(a) **Court Calendar Schedule:** ...

(b) **Pre-Arranged Settings and Confirmation:** ...

(c) **Motion Calendar Procedures:**

- (1) Notes for the Motion Calendar shall be filed with the court by noon nine (9) court days prior to the hearing. Motions, other than summary judgment motions, shall be filed and served upon all parties nine (9) court days before hearing. A proposed form of an order, which the Court may adopt, modify or reject consistent with the Decision of the Court, shall be served with the motion. Responses shall be filed and served on all parties four (4) court days before hearing. Replies shall be filed and served on all parties-no later than Noon two (2) days prior to the hearing.
- (2) Time for filing and service of motions as prescribed by these rules shall not apply to summary judgment motions. Summary judgment motions shall be served and filed pursuant to CR 56.
- (3) If no one appears in opposition to a motion, upon proof of proper service the moving party may take the order requested unless the court shall deem it manifestly unauthorized. If no party appears, the motion may be deemed waived or stricken. No more than ten minutes will be allowed to each side for argument unless the court otherwise directs.
- (4) Counsel shall immediately notify the clerk when matters are continued or stricken by the parties prior to the time set for hearing. Motions may be continued to a subsequent motion day or set down by the court for hearing at other specified times. Continuances are only tentative until a judge signs a written order of continuance.
- (5) Counsel who fail to timely file papers, serve papers on opposing counsel or submit bench copies as required by these rules may cause matters to be stricken, sanctions imposed, or terms assessed.

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WCSPR 94.05 **Domestic Relations Show Cause Hearings and Motions**

- (a) **Filing of Domestic Notes for Motion Docket.** Notes for the Motion Calendar setting matters for routine domestic hearings on the court's domestic motions calendar shall be filed with the court by noon nine (9) court days prior to the hearing.
- (b) **Time for Service of Orders to Show Cause.** Motions shall be filed and served upon all parties nine (9) court days before hearing. A proposed form of an order, which the Court may adopt, modify or reject consistent with the Decision of the Court, shall be served with the motion. Responses shall be filed and served on all parties four (4) court days before hearing. Replies shall be filed and served on all parties not later than Noon two (2) court days before hearing. The moving party's affidavits shall be served with the motion; the responding party's affidavits shall be served with the response.
- (c) **Confirmation.** A matter noted on the Domestic Relations Calendar must be confirmed by noon two judicial days prior to the hearing. Otherwise, the matter will be stricken from the docket.
- (d) **Financial affidavits.** When temporary support, maintenance, attorney fees, or costs are at issue, both parties shall file and serve with their pleadings a Financial Declaration (Washington Pattern Form DR 01.0550).
- (e) **Bench copies.** Each party shall submit a bench copy of that party's motion or response and affidavits at the time the originals are filed.
- (f) **Testimony limited.** Domestic issues will normally be determined by affidavits alone. Where temporary custody is in dispute the court may set a time for taking oral testimony. Oral testimony may be permitted whenever the court feels that unusual circumstances make it necessary or the other party appears in court without counsel.

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