

# Superior Court

## Notice to the Bar & Public

March 11, 2010

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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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Due to the loss of the Calendar Clerk position in the Clerk's office, it is necessary for the Court to adjust the way it manages its caseload. Trial setting will be managed by the assigned Judge's Judicial Assistant.

**Changes to Civil Trial Setting Procedures:** Effective Monday, April 5, 2010 the Court will modify its civil Friday **Trial Setting Calendar** procedures. The Court will adopt a practice used in many other Washington courts, wherein a party Notes a matter for Trial Setting, according to the notice requirements set forth in WCCR 77.2, listing unavailable dates. In response, Counsel for the opposing side provides similar unavailable dates. The trial date is then set administratively with a Court order, without appearances by counsel, copies of which will be sent to parties.

Counsel and parties will continue to note the case for trial setting on the Court's Friday 1:00 PM Trial Setting Calendar and confirm the setting, using the new Note for Trial Setting form, submit the Notice of Conflicts and await the Court's issuance of the Order Setting Trial Date soon after the scheduled Trial Setting Calendar.

The Court's policy remains that a trial setting in a particular department is tentative and does not assure trial before that department.

The Note for Trial Setting, any Note for Motion Docket, Notices of Conflicts, Notice of Settlement, waiver of jury, changes in the number of days expected for trial and any stipulated orders of dismissal should be filed with the County Clerk and a copy provided for and marked for the assigned Judge's Judicial Assistant.

In accordance with CR 38, jury demands and payment of jury fees are due at or prior to the time of trial setting or a jury trial will be deemed waived.

Three new forms are adopted to implement the changes:

- **Note for Trial Setting** (Formerly a part of a combined Note for Motion Docket/Trial Setting)
- **Notice of Conflicts** (To be used by the attorney noting the matter for trial setting, and opposing counsel)
- **Order Setting Trial Date** (Issued by Court, without appearance at Trial Setting Calendar)
- **Note for Motion Docket** (For motions, only)

**Word** and **PDF** versions of the four new forms are posted on the court web site at  
**[www.whatcomcounty.us/superior](http://www.whatcomcounty.us/superior)**

Those without Internet access may obtain copies of the forms at the Clerk's office.

**SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY**

<p>_____ Plaintiff/Petitioner, vs. _____ Defendant/Respondent.</p>	<p>NO. _____ Assigned Judge: _____ <b>NOTE FOR TRIAL SETTING (Civil)</b> (NTTRDK)</p>
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**NOTE FOR TRIAL SETTING** (Effective 4/1/2010 trial dates are set by the Judicial Assistant, without appearance at a trial setting calendar.)

The undersigned certifies that this case is ready for trial setting. All issues have been joined. All responsive pleadings as to all named parties have been filed or proper defaults have been taken. This case is not subject to mandatory arbitration under WCMAR. Either (1) the parties agree that all discovery in the case has been completed, or (2) the parties have filed an Agreed Order on Discovery, which specifies the order and timing of discovery and terminates discovery 30 days before trial, or (3) this case has been noted for a scheduling conference before the trial judge. The clerk is requested to note this on the non-appearance trial setting calendar to be brought on for trial at the time set by the court -- subject to the confirmation rule.

**FILE the Original document and a copy for the Judicial Assistant with the County Clerk.**

Date to Assign Trial Date: \_\_\_\_\_  
(Set any available Friday, 1:00 pm, non-appearance)

Nature of Cause \_\_\_\_\_

Jury requested:  No  Yes,  6 or  12

Interpreter, language: \_\_\_\_\_

Estimate of Time Required for Trial \_\_\_\_\_

Reason Exempt from Mandatory Arbitration \_\_\_\_\_

Settlement Conference (domestic)  needed or

Held: (Date) \_\_\_\_\_

**Counsel shall file a Notice of Conflict Dates on or before Noon the day prior to the Date to Assign Trial Date (above), by filing the Original with the Clerk of the Court and a copy with the Judicial Assistant. The Notice of Conflict Dates may be found on the court's web site at [www.whatcomcounty.us/superior](http://www.whatcomcounty.us/superior)**

DATE SUBMITTED: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_

**CERTIFICATE OF MAILING:**

I certify that I mailed a copy of this document to the parties listed, postage prepaid on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

By: Signature \_\_\_\_\_

Signature of Lawyer or Party \_\_\_\_\_

Print or Type Name; WSBA # if Attorney \_\_\_\_\_

Address: \_\_\_\_\_

Telephone \_\_\_\_\_

If Attorney, Party Represented: \_\_\_\_\_

Petitioner/Plaintiff \_\_\_\_\_

Respondent/Defendant \_\_\_\_\_

**LIST THE FOLLOWING INFORMATION FOR ALL ATTORNEYS OR PARTIES REQUIRING NOTICE.**

NAME: \_\_\_\_\_ WSBA #: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ATTORNEY FOR: (Check one)  
 Petitioner/Plaintiff  
 Respondent/Defendant

NAME: \_\_\_\_\_ WSBA #: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ATTORNEY FOR: (Check one)  
 Petitioner/Plaintiff  
 Respondent/Defendant

NAME: \_\_\_\_\_ WSBA #: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ATTORNEY FOR: (Check one)  
 Petitioner/Plaintiff  
 Respondent/Defendant

NAME: \_\_\_\_\_ WSBA #: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ATTORNEY FOR: (Check one)  
 Petitioner/Plaintiff  
 Respondent/Defendant

NAME: \_\_\_\_\_ WSBA #: \_\_\_\_\_  
TELEPHONE: ( ) \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ATTORNEY FOR: (Check one)  
 Petitioner/Plaintiff  
 Respondent/Defendant

**SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY**

_____ Plaintiff/Petitioner, vs. _____ Defendant/Respondent.	NO. _____ Assigned Judge: _____ <b>NOTICE OF CONFLICTS</b> (NT)
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**TO:** The Clerk of the Court

**AND TO:** \_\_\_\_\_

**AND TO:** \_\_\_\_\_

Please take notice that the above captioned case has been noted for trial assignment on the following date: \_\_\_\_\_.

The following are the undersigned's conflict dates, which are limited to previously scheduled vacations and trial dates:

Dates Unavailable	Reasons Unavailable	Conflict Trial: Court Name and Cause Number

The undersigned attorney/party states that the estimated number of trial days will be: \_\_\_\_\_ days.

Dated: \_\_\_\_\_

*(Sign)* \_\_\_\_\_

*(Print Name)* \_\_\_\_\_  
 Attorney for \_\_\_\_\_  
 WSBA# \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY**

<p>_____ Plaintiff/Petitioner, vs. _____ Defendant/Respondent.</p>	<p>NO. _____ Assigned Judge: _____ <b>ORDER SETTING TRIAL DATE (Civil) (ORSTD)</b></p>
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**COUNSEL HAVING AFFIRMED THAT:** All discovery has been completed or will be completed 30 days prior to the date set for trial, below, that the case is not subject to mandatory arbitration or that the case is noted for a scheduling conference before the assigned judge.

**IT IS THEREFORE HEREBY ORDERED THAT:**

- A Settlement Conference is hereby set for (date) \_\_\_\_\_ (time) \_\_\_\_\_
- Trial of the above action is hereby set for:  
Date: \_\_\_\_\_  
Department Number: \_\_\_\_\_  
Time:  8:30 am Stacked Calendar  9:30 am  1:30 pm  
Length of Trial: \_\_\_\_\_ days (Counsel must notify the Judicial Assistant if the expected length of trial changes)  
 Jury Trial:  6 or  12  Bench Trial

**Proposed Juror Questionnaires:** Proposed juror questionnaires shall be submitted and processed according to WCCR 47.1.

**Motions in limine, other pre-trial matters:** Pre-trial motions/matters shall be submitted and processed according to WCCR 40.2.

**Jury Instructions:** Proposed jury instructions shall be submitted and processed according to WCCR 51

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner

**Copy to:**  
Attorney(s) for Plaintiff(s)  
Attorney(s) for Defendant(s)  
Pro Se Parties

**SUPERIOR COURT OF THE STATE OF WASHINGTON FOR WHATCOM COUNTY**

\_\_\_\_\_ Plaintiff/Petitioner,  
 vs.  
 \_\_\_\_\_ Defendant/Respondent.

NO. \_\_\_\_\_  
 ASSIGNED JUDGE: \_\_\_\_\_  
**NOTE FOR MOTION DOCKET (NTMTDK)**  
 Civil Motion Calendar  
 Domestic Calendar  
 Revision of Commissioner Ruling  
 Special Set  
*(Use separate sheet for each noting)*

**NOTE FOR MOTION DOCKET**

Please take note that the issue in this case will be heard on the date set out in the margin and the clerk is requested to note the same on the motion docket for that day, **subject to the confirmation rule.**

\_\_\_\_\_ Date and Time of Hearing  
 Nature of Hearing:  
 \_\_\_\_\_  
 \_\_\_\_\_

**CERTIFICATE OF MAILING:**

I certify that I mailed a copy of this document to the parties listed below, postage prepaid on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 By: Signature

DATE SUBMITTED: \_\_\_\_\_  
 SUBMITTED BY: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Lawyer or Party  
 \_\_\_\_\_  
 Print or Type Name; WSBA # if Attorney  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone  
 \_\_\_\_\_  
 If Attorney, Party Represented:  
 Petitioner/Plaintiff \_\_\_\_\_  
 Respondent/Defendant \_\_\_\_\_

NAME (below) \_\_\_\_\_ WSBA: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for:  Petitioner/Plaintiff  Respondent/Defendant

NAME (below) \_\_\_\_\_ WSBA: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for:  Petitioner/Plaintiff  Respondent/Defendant