

WCCR 40.1

Trial Settings

- (a) **Note for Trial Docket.** An attorney who desires to bring an issue of fact to trial shall serve and file a note for trial docket, noting the matter before the Calendar Clerk at the time shown on the Court Calendar Schedule. The note for trial docket shall contain:
- (1) The title of the court, clerk's file number, a brief title of the cause, the words "Note for Trial Docket,"
 - (2) Name or names of the attorneys, or parties pro se, for both plaintiff and defendant,
 - (3) The nature of the cause, whether to be tried to a jury or to the court, date of service of last pleading,
 - (4) The attorney's or party's certification that all issues have been joined, and that all responsive pleadings as to all named parties have been filed or that proper defaults have been taken.
 - (5) An estimate of the time that will be required for trial,
 - (6) A statement that the case is not subject to mandatory arbitration (stating the grounds for exception from mandatory arbitration required under WCMAR) or that the cause is an appeal from an arbitration award, and
 - (7) The bar association membership number and signature of the attorney filing the note, designating the party(ies) represented by the attorney.
 - (8) A statement that either (i) all discovery in the case has been completed, or (ii) that the parties have filed an Agreed Order on Discovery, which order shall specify the order of discovery and completion dates of all discovery in the case and that all discovery will be concluded at least 30 days prior to the appointed trial date. A party who seeks a trial date but who cannot satisfy either (i) or (ii) must note the case for a scheduling conference with the trial judge.
- (b) **Trial Assignment.**
- (1) Counsel shall consult with the Calendar Clerk at or before the time of the trial setting calendar to secure a mutually agreeable trial date. If counsel are unable for any reason to obtain an agreed trial date, they shall appear before the Presiding Judge at the time of the trial setting calendar for trial setting.
 - (2) To be entitled to a trial assignment, the noting attorney must be present at the trial setting calendar in person or must have previously notified the Calendar Clerk of conflicting dates. However, if the noted attorney appears and requests a trial date, a date will be assigned even if the noting attorney fails to appear or provide conflicting dates. All parties will be held to the date assigned.
- (c) **Formal Order Required.** No trial setting is complete until a judge has signed a formal order.
- (d) **Service of Order.** When an attorney obtains a trial setting order at a case setting calendar when opposing counsel or pro se party has not appeared, the order may indicate on the signature line that the party was noted, but did not appear. If the party was not noted for trial setting, then the order must have opposing counsel's signature on it before it shall be presented for judicial signature. The party presenting the order shall provide a copy of the trial setting order to opposing counsel or pro se party.
- (e) **Stacked Domestic Relations Calendar.** In a domestic relations proceeding, the clerk will ordinarily assign trial of the case to the monthly stacked domestic relations calendar. If more than one or two hours will be required for trial of the case, the case will not be placed on the stacked calendar but will be given a regular trial date.
- (f) **Department Settings Tentative.** A trial setting to a particular department is tentative only and does not assure trial before that department.