



Jury Trial Instructions

Counsel must notify the Judicial Assistant for the Assigned Judge if the expected length of trial changes. Multiple set cases shall be prepared for trial. Counsel shall try a case once set unless released personally by the trial judge or by the Judicial Assistant with the judge's authorization. No case will be released before Noon of the last judicial day before the ordered trial date.

Size of Panel: The usual panel size is 24-30 prospective jurors. Requests for any larger panel must be made to the court a minimum of 45 days preceding the reporting date for the jury panel.

Proposed Juror Questionnaires: No voir dire juror questionnaires shall be given prospective jurors unless: (1) Assigned Judge allows questionnaires for the case type. (2) counsel shall have exchanged or agreed on the questions to be used at least one week prior to trial (3) in the event of disagreement, counsel must contact the trial judge by conference call at least two days prior to trial to resolve conflicts in the questionnaires; (4) the proposed questionnaires are submitted and processed in accordance with the following procedure:

- a) Proposed questionnaires must be circulated and submitted to the Court for approval by noon on Thursday the week preceding trial. Proposed questionnaires may be sent to the Assigned Judge using the email icon on the Court's home page at www.whatcomcounty.us/superior Once the questionnaire is approved by the court, the submitting party shall prepare sufficient copies for the prospective jurors to complete, and immediately deliver said copies to the Assigned Judge's Judicial Assistant / Bailiff not later than 2:30 p.m. on Friday the week preceding trial.
- b) Once the Judicial Assistant / Bailiff has finished collecting and sorting the answered questionnaires, the attorney submitting the questionnaire shall retrieve the originals from the Judicial Assistant / Bailiff and prepare and deliver copies to opposing counsel. The original questionnaires shall then immediately be returned to the Judicial Assistant / Bailiff for filing with the Clerk. In the alternative, the answered questionnaires may be scanned for retrieval by both parties.

Motions in Limine; Other Pre-trial Matters: Counsel shall plan as necessary for pre-trial hearings before the assigned judge. Please contact the assigned judge's Judicial Assistant / Bailiff with estimated length of time needed to argue motions in limine. It may be possible to arrange a special set hearing for motions in limine before the morning of trial. Timing and length of motions in limine and questionnaires significantly affect the jury panel's report time.

All in limine motions shall be filed in writing before trial with five court days notice to opposing counsel and a copy to the assigned judge. Counsel should be prepared to argue routine matters no later than 9:30 a.m. on the date of trial.

Jury Instructions: Proposed jury instructions must be submitted by the beginning of the trial in the following form:

- a) Prepare at least four sets of instructions, including any Washington Pattern Instructions. If there are more than two parties, prepare an additional set for each additional party.

Assemble: one for the court file (original), one work copy for the judge, one set for the proponent, and one set for each other party. Add citations to these sets, if desired, and number the instructions sequentially; e.g. D-1, P-6, in the lower right hand corner.

- b) Prepare one additional set of instructions, having neither numbering nor citations, to form the basis for instructions actually given to the jury.

In criminal cases, the prosecuting attorney will furnish the proposed instructions for the case; defense counsel need only furnish additional instructions felt to be applicable to the case.

Exhibits: See WCAR .5 and WCCR 10.1.

Trial Continuances: See WCCR 40.3

Notice of Settlement: See WCCR 41.1

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