

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR WHATCOM COUNTY

IN THE MATTER OF THE ADOPTION OF LOCAL COURT  
RULES:

Administrative Order  
No. 2021 - 04

Amending the Local Rules of the Court to Adopt  
Certain New Procedural and Appearance Rules for  
Civil, Criminal and Infraction Proceedings.

WHEREAS, Washington Supreme Court rules CRLJ 83, CrRLJ 1.7 and IRLJ 1.3 permit district courts across the state to adopt ongoing local court rules and amend the same from time to time pursuant to GR 7, and

WHEREAS, the Washington Supreme Court has modified the Washington Court Rules to allow courts across the state to adopt local rules to utilize many new technologies, including but not limited to certain video and other remote hearing processes, and

WHEREAS, the District Court, like the State Supreme Court, embraces technology and strives to provide greater access to the Court, and

WHEREAS, the District Court has acquired new technologies that has allowed it to expand access to it and has also noted certain issues with its existing local rules, the Court has devised certain amendments and additions to its existing local rules and has distributed the same for comment in accordance with GR 7(b), and,

WHEREAS the Court has considered all comments received;

NOW, THEREFORE, pursuant to GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3 the Whatcom County District Court Local Rules are hereby amended, effective September 1, 2021, as indicated in Exhibit A attached hereto (deletions per ~~strikeout~~ and amendments per underline).

The Court's previously existing local rules unaffected by this order remain in full force and effect as previously adopted.

DATED this 24<sup>th</sup> day of May, 2021.



Matthew S. Elich, Judge



David M. Grant, Judge

WHATCOM COUNTY DISTRICT COURT  
LOCAL COURT RULES

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WHATCOM COUNTY DISTRICT COURT LOCAL COURT RULES - CIVIL

WDCR 1. INTRODUCTORY

WDCR 1(a). Adoption and Citation. These Rules are adopted pursuant to GR 7 and CRLJ 83, and are to be cited as WDCR.

WDCR 6. TRIALS

WDCR 43(a) Taking of Testimony: Video and Telephonic Proceedings. Any party seeking to appear before or present testimony to the Court via video or telephonic means must contact the Clerk of the Court at least ten business days before the hearing to obtain permission for such appearance from the judicial officer presiding and make necessary conferencing arrangements, including providing the court with a working telephone number and/or email address as required to facilitate the conference, and to coordinate appropriate arrangements for such appearance. The ten-day notification period can be waived by the Court or the presiding judicial officer for good cause.

WHATCOM COUNTY DISTRICT COURT LOCAL COURT RULES - CRIMINAL

WDCrR 1. ADOPTION, CITATION AND APPLICABILITY

WDCrR 1 (a) Adoption and Citation. These Rules are adopted pursuant to GR 7 and CrRLJ 1.7, and are to be cited as WDCrR.

WDCrR 1 (b) Applicability. Any of these Rules may be suspended or modified, upon good cause shown, by written stipulation of the parties approved by the Court, or by the Court upon its own motion.

[Formerly WDCrRLJ 1, adopted effective September 1, 2003. Amended effective September 1, 2008. Renumbered WDCrR 1, amended effective September 1, 2019; Amended effective August 20, 2020, effective September 1, 2021.]

WDCrR 2. OMNIBUS PROCEDURE

WDCrR 2(a). Omnibus Hearings. At or about the time of arraignment, all criminal cases scheduled for Trial shall be also be set by the Court for an Omnibus Hearing, which shall be held ~~approximately~~ not less than two weeks prior to the trial date. The State, Defense Counsel and the Defendant shall attend the Omnibus Hearing, the purpose of which is to consider unresolved issues including, but not limited to, outstanding discovery, witness lists, witness availability, the estimated length of trial, and such other matters as will promote a fair and expeditious trial. All Motions are to be resolved prior to the Omnibus Hearing. If the parties agree that the case is ready for trial, a Stipulated Omnibus Statement of Readiness, substantially in the form set forth in Appendix 1 to these Rules, may be filed by the parties.

## - Exhibit A to Admin. Order No. 2021-04 -

The filing of a Stipulated Omnibus Statement of Readiness will serve to excuse counsel and the Defendant from appearing at the scheduled Omnibus Hearing. Cases not ready for trial by the scheduled Omnibus Hearing shall be reset or otherwise resolved at the Omnibus Hearing. The Court will not allow unreasonable delay in bringing a case to trial, and the Court shall make the determination of whether a case shall be ordered to proceed to trial or be reset to a new Omnibus Hearing date.

WDCRR 2(b). Trial Assignment. Following the Omnibus Hearing, the Court will prioritize the cases determined to be ready for trial and publish this information. The order in which they are listed shall be the presumptive order of priority for trial. The Court will update this list as appropriate and strike those cases from the list that it determines will not proceed to trial as scheduled. No later than Noon on the last business day preceding the trial date, the Clerk of the Court will make a final posting of the Trial Calendar and shall attempt to notify the parties in the cases which are expected to proceed to trial. The inability of the Clerk of the Court to contact a party for any reason shall not excuse such party from being prepared for trial. Any case that had been set for trial but does not proceed to trial on the assigned date shall be assigned to the Omnibus Calendar on that date, at which time it will be reset or otherwise resolved.

[Formerly WDCrRLJ 2, adopted effective September 1, 2003. Amended effective September 1, 2008. Renumbered WDCrR 2, amended effective September 1, 2019.]

### WDCRR 3. BRIEFS AND MEMORANDA

Whenever any Brief, Motion, Memorandum, or other such document is filed with the Court, a copy clearly marked "Judge's Copy" must also be filed. The Judge's Copy shall also clearly state the day and time the case is set for hearing. All documents in support of any Motion shall be filed with the Court and served upon opposing counsel (or the opposing party if such party is unrepresented) no later than five days before the hearing on the Motion, and responsive or reply documents are to be filed at least one full business day before hearing. Trial briefs shall be submitted no later than two days before trial.

[Formerly WDCrRLJ 3, adopted effective September 1, 2003. Amended effective September 1, 2008. Renumbered WDCrR 3, amended effective September 1, 2019.]

### WDCRR 4. JURY INSTRUCTIONS

Proposed Jury Instructions and Verdict forms shall be submitted when the case is called for trial. Two sets of instructions, one with and one without citations, shall be submitted to the Court, with an appropriate cover sheet for each. One additional set with citations shall be served upon opposing counsel (or the opposing party if such party is unrepresented).

[Formerly WDCrRLJ 4, adopted effective September 1, 2003. Amended effective September 1, 2008. Renumbered WDCrR 4, effective September 1, 2019.]

- Exhibit A to Admin. Order No. 2021-04 -

WDCRR 5. NOTICE, COSTS, AND WITNESS JURY COSTS AND WITNESS FEES

When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give written notice of that fact to the Court. The Court will not pay witness fees to witnesses who appear for a case that has been continued or settled without trial or hearing. Such costs shall be borne by the party, or attorney, who called, subpoenaed or requested a subpoena for the witness.

In the event that a party fails to provide written notice to the Court by 9:00 a.m. on the last business day prior to trial that a case will not be tried to a Jury on the date set, the Court may impose terms, including payment of the actual costs of the Jury. Any party requesting a continuance or other delay of a case confirmed as ready for trial at the Omnibus Hearing must make proper application to the Court with proper Notice to all Parties.

[Formerly WDCrRLJ 5, adopted effective September 1, 2003. Amended effective September 1, 2008. Renumbered WDCrR 5, amended effective September 1, 2019.]

WDCRR 6. VIDEO CONFERENCE PROCEEDINGS

Whatcom County District Court authorizes the use of video conference proceedings pursuant to CrRLJ 3.4(d) and (e) as currently adopted or hereafter amended. The party seeking the video appearance must contact the Clerk of the Court at least three business days before the hearing to make necessary conferencing arrangements, including providing the court with a working email address to facilitate the conference and coordinate appropriate arrangements for such appearance. The three-day notification period can be waived by the Court or the presiding judicial officer for good cause.

[Adopted August 21, 2020; Amended August 28, 2020, effective September 1, 2021.]

WHATCOM COUNTY DISTRICT COURT LOCAL COURT RULES – INFRACTIONS

WDIR 1. GENERAL PROVISIONS

WDIR 1.1. Adoption and Citation. These Rules are adopted pursuant to GR 7 and IRLJ 1.3, and are to be cited as WDIRLJ.

WDIR 2. PRELIMINARY PROCEEDINGS

WDIRLJ 2.6. SCHEDULING OF HEARINGS

WDIRLJ 2.6(c). Decisions on Written Statements. The procedure authorized in IRLJ 2.6(c) is adopted by this court.

[Adopted August 21, 2020; Amended August 28, 2020, effective September 1, 2021.]

WDIRLJ 3. PROCEDURES AT HEARINGS

WDIR 3.5. LOCAL RULE OPTIONS

WDIRLJ 3.5(A). Decisions on Written Statements. Decisions on written and/or e-mail statements are authorized as permitted by IRLJ3.5(a).

WDIRLJ 3.5(B). Telephonic or Video Conference Mitigation Hearings. Whatcom County District Court authorizes the use of telephonic or video conference hearings pursuant to IRLJ 3.5(b) as currently adopted or hereafter amended. The party seeking the video or telephonic appearance must contact the Clerk of the Court at least three business days before the hearing to make necessary conferencing arrangements, including providing the court with a working telephone number and/or email address as required to facilitate the conference and coordinate appropriate arrangements for such appearance. The three-day notification period can be waived by the Court or the presiding judicial officer for good cause.

[Adopted August 21, 2020; Amended August 28, 2020, effective September 1, 2021.]