

Superior Court

Notice to the Bar and Public

December 9, 2014

ATTENTION Law Offices Personnel: Please assure **ALL** staff, attorneys and, non-attorneys are aware of the contents of this notice.

**New Criminal Calendar Policy Effective January 5, 2015.
Superior Court Clerk to Prepare Criminal Calendar (pages 1-3)
Juvenile Offender Filings (page 3)**

The Whatcom County Superior Court Judges have implemented a new policy for all criminal calendars. These calendars will be overseen by the Whatcom County Superior Court Clerk's Office effective January 5, 2015.

The clerks in the criminal department will prepare the following calendars:

- Monday Trial Call Calendar (initial calendar only; finalized by JAs no later than noon on Fridays)
- Tuesday Fast Track Calendar
- Wednesday Status Calendar
- Thursday Criminal Calendar
- Friday Arraignment Calendar

The criminal clerks will send out a preliminary Thursday Criminal Calendar on Monday mornings to everyone in their group email list (prosecutors, public defenders, and private defense attorneys & staff). Counsel should look over the calendar to ensure their cases are properly scheduled on the calendar. If the oversight is on the clerk's part, the attorney can email the clerk requesting the case be added. If the oversight is on the attorney's part, they still have a full day to get their cases noted properly.

DEADLINES

- **12:00 noon**, two days prior to the calendar, except for the Fast Track Calendar. Counsel must file a Notice for Hearing no later than noon, two days prior to the calendar being heard.
- **12:00 noon**, one day prior to the Fast Track Calendar.

DEADLINES AND EXCEPTIONS RE: CRIMINAL CALENDAR

Deadlines/ No Exceptions:

- **12:00 noon**, one day prior to Thursday Criminal Calendar if continued in open court. If an attorney on the Wednesday Status Calendar requests the Court set their case the following day for plea/sentencing on the Thursday Criminal Calendar, the Attorney requesting the one-day continuance **MUST** file a note or order by noon that day. The clerks will have various orders / note for dockets

available in the courtroom to facilitate expediting this process. Orders / notes received later than noon will NOT be accepted. If any attorney misses this deadline, their case will not be heard.

- **4:00 p.m.**, two days prior to the Thursday Criminal Calendar for in-custody guilty pleas. If an attorney misses the Tuesday, 12:00 noon deadline, and they need to add an in-custody guilty plea to the Thursday Criminal Calendar, they will have until 4:00 p.m. that day to file a Note for Calendar to add their in-custody plea. If any attorney misses this deadline, their case will not be heard.
- **2:00 p.m.**, one day prior to the Fast Track Calendar. If an attorney misses the 12:00 noon deadline, and they need to add an in-custody guilty plea to the Fast Track Calendar, they will have until 2:00 p.m. to file a Note for Calendar to add their in-custody plea. If any attorney misses this deadline, their case will not be heard.

Deadline Exception: Emergencies/Agreement Of Counsel

If there is an emergency, or an extremely good reason for either a defense attorney or prosecutor to request a hearing past the above-referenced deadlines, the requesting attorney must go directly to the Judge (via their JA) hearing the calendar, not the clerk, to request the hearing. The Judge will determine if the request is approved and the JA will inform the clerk to put the case on the calendar.

MANDATORY REQUIREMENTS TO SCHEDULE ALL HEARINGS

- All Note for Motions filed must state nature of motion;
- All Note for Motions must have an accompanying motion & declaration setting forth issues to be presented to Judge at hearing;
- If there is an order entered in court, and there is a future hearing date contained within the order, the originator of that order must file a separate Note for Motion Calendar, indicating the date for the hearing as referenced in the accompanying order; or
 - Indicate in clear bold writing in the header of the order: "HEARING DATE: 00/00/15 @ 8:30 A.M.," and "CLERK'S ACTION REQUIRED."

HEARINGS WILL NOT BE ENTERED BY CLERK FROM CLERK'S MINUTES

Due to interruptions in the courtroom, hearings can't be set based on a Judge's oral ruling to set a future hearing date. If the Court sets a future hearing in open court, attorneys must still timely file a Note for Hearing or Order Setting Hearing if they want their case heard. Forms will be available in the courtroom to accommodate counsel.

Only Exceptions – A clerk will enter a hearing from their clerk's minutes if:

- On the Trial Call Calendar – There is a "5-day bump" setting a case on the next Trial Call calendar; and

- On the Status Calendar – The case is either “maintained for trial,” or “call for TSO” (trial setting order) is indicated by counsel due to the absence of an Order Setting Trial Date at the time of the Status Hearing. The clerk will assure these cases remain on the Trial Call calendar.

Trial Call Calendar:

No Note for Motions will be accepted for the Trial Call Calendar. This calendar is created exclusively from cases either “maintained” or “call case for TSO” from the Status Calendar or “5-day bumps” from the previous Trial Call calendar.

STRIKING HEARINGS

Only the moving party can strike a hearing, unless the hearing was set by order of the Court and the strike is stipulated to by both parties (if issue settled prior to hearing date). The clerk has no authority to strike any case from the Status Calendar, and will call all cases set on that calendar.

To strike a hearing, the moving party must do the following:

- All requests to strike hearings must be in writing.
- If the request is prior to the clerk pulling the calendar, the requesting party shall either file a Notice to Strike Hearing or email the clerk. The clerk will then file the email so there is a paper trail for the court’s file. The emails must contain the following information:
 - Case name & number;
 - Indicate the attorney is the moving party.
- If the request is made after the clerk has prepared the calendar, the requesting party shall email the clerk (with the above information), and the clerk will make a notation on the clerk’s minutes, “hearing stricken via email by ____ prior to hearing.”
- The “Strike Sheet” will continue to be available for all attorneys in the courtroom during the Thursday Criminal Calendar. The clerk will make a notation on the clerk’s minutes, “hearing stricken per strike sheet.”

CHANGE OF LOCATION FOR JUVENILE OFFENDER FILINGS

Effective January 5, 2014, all original documents in juvenile offender cases will be filed and processed on the 5th floor in Juvenile Court Administration, which will serve as a satellite clerk’s office.