

LCR 40  
TRIAL SETTING

A. Trial Setting. Civil cases may be noted for trial setting after the issues are joined. Criminal cases will be assigned a trial date at the time of arraignment.

1. Note for Trial Setting.

a. Anyone desiring to bring any issue to trial shall note the matter on the trial setting calendar. (Use Exhibit A.)

b. Counsel are required to ascertain from the Court Administrator the available trial date(s).

c. Counsel are also required to inform the Court Administrator of their available and unavailable dates.

d. Counsel must estimate the length of time needed for trial. Because the court trial calendar is preset, cases will not be permitted to continue beyond the time estimated for trial. If the non-setting parties do not agree with the estimate in the note up notice, they must file their own estimate before the trial setting date. Estimates shall include the total time for trial, not just one side.

2. Presence of Counsel. All trial dates will be assigned by the Court Administrator or the Court. If counsel previously have provided the Court Administrator with available and unavailable dates as required above and are otherwise agreeable to a setting on any particular date, then counsel's presence at the trial setting may be waived.

3. Visiting Judge Required. The Court shall be notified at the time of trial setting if an attorney is a party or a witness in any matter before the Court or of any other matter needing a visiting judge. If such notification is not provided, the case will lose any priority it may otherwise have had.

4. Continuances. Continuances of trial may not be granted by the court except for good cause shown after hearing on the motion filed by the party seeking the continuance, or by motion of the court. In the event good cause is shown and the court grants a motion for continuance, the case will be rescheduled by the Court Administrator and given the priority of a new case (in other words, the case loses any priority it had). In the event the court strikes the trial date on its own motion due to calendar congestion, the case shall receive a priority trial setting.

B. Special Settings. Any civil motions or other matters requiring a special setting will be set by the Court Administrator.

C. Mental Illness Hearings. Mental illness hearings will be set for hearing by the Court Administrator.

D. Change of Judge; Affidavit of Prejudice. Cases will be assigned to a judicial department under the direction of the presiding judge for the county. In all cases, parties shall be notified of the assignment upon the issuance of the Scheduling Order. That assignment shall serve as a pre-assignment/assignment for purposes of change of judge pursuant to CrR 8.9, CR 40, and RALJ 3.2(c). The presiding judge shall notify the local bar when changes in judicial assignments occur.

E. Notice to Court of Calendar and jury Trial Changes. Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice shall immediately be given to

the Court Administrator so the case may be removed from the court's calendar.

F. Domestic Relations-Case Management.

1. Settlement Conference. At the time the Court Administrator sets the case for trial, the Administrator shall also set a date and time for a settlement conference which shall not be earlier than 10 days from the date of notification and not later than 10 days prior to trial. After the settlement conference has been set, the parties, through written agreement or the court, after a motion made by one of the parties, may strike the settlement conference.

2. Support Modifications. All support modifications will be noted for hearing on the regular motion day. The support modification hearing will be heard by affidavit only, 10 minutes per side for argument. If a party desires live testimony, the request shall be made by motion and allowed by the court in its discretion. After the affidavits and/or financial information have been provided in accordance with the state statutes on child support modification, either party may note the matter for hearing on the regular motion docket. Settlement conferences are not required for support modification.

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