

WHATCOM COUNTY DISTRICT COURT
LOCAL COURT RULES

WCDCLCR 1-Scope of Rules

1(a) Authorization and Adoption. These rules are authorized by GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3. They may be amended at the discretion of the Whatcom County District Court. Any of these rules may be suspended or modified, upon good cause shown, and by written stipulation of the parties approved by the Court, or by the Court upon its own motion.

1(b) Citation. These rules shall be known as Whatcom County District Court Local Court Rules (WCDCLCR). The provisions of these rules are supplemental to the rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction available at https://www.courts.wa.gov/court_rules/?fa=court_rules.state&group=clj and shall not be construed in conflict with them.

1(c) Effective Date. Pursuant to GR 7, these local rules are effective September 1, 2023 and either amend or supersede all prior local rules of the court.

[Adopted June 30, 2023, effective September 1, 2023, amended June 30, 2024]

WCDCLCR 2-Definitions

2 (a) “Judicial Officer” means Whatcom County District Court Judge, Whatcom County District Court Commissioner, and Whatcom County District Court Judge Pro Tempore.

2(b) “Court Participant” means an attorney, litigant, plaintiff, defendant, witness, interpreter, petitioner, respondent, and any person associated with a court proceeding.

[Adopted June 30, 2023, effective September 1, 2023]

WCDCLCR 3-Courtroom Photography and Recording of Proceedings

3(a) Video and Audio Recording. In accordance with GR 16, video and audio recording and still photography by the news media are allowed in the courtroom during and between sessions, provided that permission shall have first been expressly granted by the judicial officer and media personnel do not, by their appearance or conduct, distract participants in the proceedings or otherwise adversely affect the dignity and fairness of the proceedings.

3(b) Dissemination. The recording or dissemination of the broadcast of any court proceedings through audio and/or video conferencing is not permitted without written permission of the judicial officer conducting the hearing.

3(c) Name Change. Still photography during Name Change proceedings is allowed upon request of the petitioner and with permission of the judicial officer. Advance written notice is not required.

[Adopted June 30, 2023. Effective September 1, 2023]

WHATCOM COUNTY DISTRICT COURT
LOCAL COURT RULES-CIVIL

WCDCCvICR 1-Authorization

1(a) Authorization. These rules are authorized by GR 7, CRLJ 83, CrRLJ 1.7 and IRLJ 1.3 and are to be known as Whatcom County District Court Civil Court Rules and cited as WCDCCvICR.

[Originally adopted May 24, 2021, effective September 1, 2021, *amended and adopted* June 30, 2023, effective September 1, 2023.]

WCDCCvICR 2-Pre-Trial Appearances, Motions, Civil Protection Order Proceedings, Small Claims, And Traffic Infractions.

2(a) Remote Appearance. Court participants who are not required to appear in person may appear remotely, and those who appear remotely should follow the procedures posted on the Whatcom County District Court Webpage and choose the District Court Calendar/Remote Hearing link.

2(b) Filing- Court Clerk. All civil motions and supportive documents shall be filed with the court clerk in accordance with [Civil Rules for Courts of Limited Jurisdiction](https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CRLJ). (https://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=clj&set=CRLJ) Such documents shall be served upon opposing counsel, or the opposing party if such party is unrepresented. The pleadings shall be filed with a separate “Note for Calendar/Docket,” which shall contain a statement of purpose for the hearing and set the date and time to be heard. This form is located on the Whatcom County District Court Webpage, under “Forms.”

2(c) Filing- Electronic Filing. Motions may also be filed electronically with the same filing deadlines as 2(b) using the Civil Department Email address at DC_Civil@co.whatcom.wa.us – also provided on the Whatcom County District Court website. All electronic filing attachments and documents must be submitted in a format that cannot be modified. The court cannot accept CDs or DVDs, nor can the court accept videos embedded in email filings. The only external storage device the court will accept is a USB storage device.

2(d) Available Forms. The Court shall post available forms for use in Whatcom County District Court on the Whatcom County District Court Webpage –“Forms.” Additionally, all parties are encouraged to use the forms approved by Administrative Office of the Courts which are available on the Washington Courts webpage under “Forms.”

[Adopted June 30, 2023, effective September 1, 2023. Sections 2(b)Amended, May 15, 2024, Effective September 1, 2024]

WCDCCvICR 3-Trials

3(a) Taking of Trial Testimony: Virtual and Telephonic Proceedings. Any party seeking to appear before or present testimony to the court for trial, via virtual platform or telephonic means, must contact the court clerk at least ten (10) 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 (10) day notification period can be waived by the court or the presiding judicial officer for good cause.

3(b) Evidence, Photographs, Exhibits for Trial. Upon approval of video or telephonic participation per WCDCCvICR 3(a) any video, photography, other documents, or any exhibits, must be submitted to the court no less than five (5) business days prior to the hearing date. All electronic exhibits must be submitted only on a USB storage device with a declaration that the same was served upon the other party. The court cannot accept CDs, DVDs, or videos embedded in email.

[Originally Adopted May 24, 2021, effective September 1, 2021, amended and adopted June 30, 2023, effective September 1, 2023. Section 3(b) Amended, May 15, 2024, Effective September 1, 2024]

WHATCOM COUNTY DISTRICT COURT
LOCAL COURT RULES-INFRACTIONS

WDCI RLJ 1-Adoption and Citation

1(a) Adoption and Citation. These Rules are adopted pursuant to GR 7 and IRLJ 1.3, and are known as Whatcom County District Court Local Court Rules- Infractions and are to be cited as WDCI RLJ.

[Adopted May 24, 2021, effective September 1, 2021, amended and adopted June 30, 2023, effective September 1, 2023.]

WDCI RLJ 2-Procedures at Hearings

2(a) Adoption. The procedures codified in RCW 46.63 and those authorized in IRLJ 2.6(c) are adopted by this court. A defendant can make payments on infractions, request a payment plan, request a contested hearing, or request a deferred finding, or request a mitigation hearing by visiting the Whatcom County District Court Webpage, and choosing the Tickets/Payments link.

2(b) Decisions on Written Statements-Mitigation. The procedure authorized in IRLJ 3.5(a)(2) and (3), and (4) – Mitigation Hearings is adopted by this court. Mitigation decisions on written and/or e-mail statements are authorized as permitted by IRLJ 3.5(a), and scheduled pursuant to IRLJ 2.6, and no appeal from such decision is permitted.

2(c) Telephonic or Video Conference Mitigation Hearings. Whatcom County District Court authorizes the use of telephonic, virtual platform video conference hearings pursuant to IRLJ 3.5(b) as previously adopted, in current use, or hereafter amended. The party seeking a telephonic (non-virtual) appearance must contact the court clerk least three (3) business days before the hearing to make necessary telephone 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 (3) day notification period can be waived by the presiding judicial officer for good cause.

[Infraction rules number 2, originally Adopted May 24, 2021, effective September 1, 2021, as: WDIR-1.1-Adoption and Citation; 2-Preliminary Proceedings; 2.6 Scheduling Of Hearings; 3-Procedures at Hearings; 3.5 Local Rule Options Re: Decisions on Written Statements, and Telephonic or Video Conference Mitigation hearings, are repealed and or amended as WDCI RLJ, and renumbered, and adopted June 30, 2023, effective September 1, 2023]

WCDICRLJ 3-Procedures For “Failure to Respond” or “Failure to Appear”

3(a) Contested. When a defendant, against whom a judgment for a traffic infraction has been entered as a result of the defendant’s “Failure To Respond” to a notice of traffic infraction or as a result of the defendant’s “Failure To Appear” at a contested hearing, the court shall find the matter committed and enter an appropriate order assessing the monetary penalty authorized, and any other penalty authorized.

If the court determines that the infraction has been committed, it may assess a monetary penalty against the defendant. When requested, the court shall set a payment plan for fine repayment pursuant to RCW 46.63 and prior to entering a payment plan the court shall review the defendant’s ability to pay. Any payment plan entered into may be assessed an administrative fee which shall not exceed \$10 per infraction, or \$25 per payment plan, whichever is lower.

3(b) Mitigation. When a defendant fails to appear at a mitigation hearing, the court shall find the matter committed, and enter an appropriate order assessing the monetary penalty authorized by statute.

If the court determines that reduction of the monetary penalty is justified, the court shall enter an order finding the infraction committed, may assess a monetary penalty against the defendant. When requested, the court shall set a payment plan for fine repayment pursuant to RCW 46.63 and prior to entering a payment plan the court shall review the defendant’s ability to pay. Any payment plan entered into may be assessed an administrative fee which shall not exceed \$10 per infraction, or \$25 per payment plan, whichever is lower.

[Adopted June 30, 2023; effective September 1, 2023. Section 3(a) and (b) Amended, May 15, 2024, Effective September 1, 2024]

WCDICRLJ 4-Relief from Judgment or Motion for Vacation of Judgment

4(a) Relief. A defendant, against whom a judgment for a traffic infraction has been entered as a result of the defendant’s “Failure To Respond” or “Failure To Appear” for contested infraction, may file a motion requesting that said judgment be set aside. The motion will then be presented to a judicial officer, ex parte, for determination. The motion will be evaluated in conformity with CRLJ 60(b). If upon review, the court determines a hearing should be granted the matter shall be set for hearing and a notice will be sent to the defendant.

[Adopted June 30, 2023; effective September 1, 2023.]

WHATCOM COUNTY DISTRICT COURT LOCAL COURT RULES –
CRIMINAL MOTIONS, PRETRIAL AND TRIAL PROCEDURES

WCDCCrR 1-Adoption and Citation

1(a) Adoption and Citation. These Rules are adopted pursuant to GR 7 and CrRLJ 1.7, and are to be known as Whatcom County District Court Local Rules – Criminal Rules, and cited as WCDCCrR.

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 August 21, 2020, effective September 1, 2021; Amended May 24, 2021, effective September 1, 2021, amended to WCDCCrR, and adopted June 30, 2023, effective September 1, 2023.]

WCDCCrR 2-Pretrial Conference Hearing

2(a) Pretrial Conference Hearing. The procedure previously codified under previous rule WDCrR 2, *et seq.*- Omnibus is now Pretrial Conference Hearing, and Procedures therein set forth under this rule WCDCCrR.

[Formerly WDCrRLJ 2, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 2, amended effective September 1, 2019; Amended May 24, 2021, effective September 1, 2021, amended and adopted June 30, 2023, effective 2023.]

2(b) Procedures. At or about the time of arraignment, all criminal cases shall be scheduled for a pretrial conference hearing and trial date. Pretrial conference hearings are held both Monday and Tuesday at 900 AM. Trial dates shall be set three (3) weeks from the pretrial conference hearing date, but may be set longer or shorter depending on the particular circumstances of the case or by agreement of the parties. If a case is confirmed for trial at the pretrial conference hearing, the court will set a trial status hearing on the motion calendar immediately preceding the trial date. The purpose of the trial status hearing is to confirm the parties are ready for trial on the assigned trial date.

2(c) Purpose. The purpose of the pretrial conference hearing is to consider unresolved issues including but not limited to discovery, witness lists, length of trial, etc. Cases not ready for trial shall be continued and both a new pretrial conference hearing and trial date shall be assigned. Defendants may also enter a change of plea on this calendar.

2(d) Motions to Continue Form. Parties moving to continue a case should use the form titled “Motion to Continue and Order on Motion.” The form can be found on the Whatcom County District Court website. <https://www.whatcomcounty.us/420/District-Court>

2(e) Pretrial Conference Hearing- Presence Excused. The physical appearance of the defendant and defense counsel are waived at the pretrial conference hearing if a Motion to Continue and Order on Motion is filed and 1) fewer than six months have elapsed since arraignment, 2) State does not object, 3) defendant does not have any outstanding warrants in Washington State or pretrial violations, and 4) the motion contains either the defendant’s signature or defense counsel’s affirmation that they have consulted with the defendant since the last appearance and that the defendant waives the right to be present at the hearing.

2(f) Motions to Continue Pretrial Conference Hearing with Interpreters. In any case where interpreters are scheduled to appear, the presence of Defense counsel is *not* excused, by compliance with WDCCrR 2(e) *unless* the moving party notifies the court via email at districtcourtservices@co.whatcom.wa.us to advise the court that interpreter services will not be required. This notice must be given at least two (2) business days prior to the hearing sought to be continued by agreed order. Failure to follow this procedure will require Defense counsel presence and may result in sanctions, costs, or both to the moving party.

[Formerly WDCrRLJ 2, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 2, amended effective September 1, 2019; Amended May 24, 2021, effective September 1, 2021, amended, and adopted June 30, 2023, effective September 1, 2023.]

WDCCrR 3-Trial

3(a) Trial Status Hearing and Priority. If a case is confirmed for trial at the pretrial conference hearing, the court will set a trial status hearing on the motion calendar immediately preceding the trial date. Trial status hearings may also be special set at the discretion of the judicial officer. All cases that have been confirmed for trial will be ranked in priority by the court. The court clerk shall publish the priority list via email to all parties, as well as post it in the Whatcom County District Court Clerk’s office. At the trial status hearing, the highest priority case ready for trial shall be set for the following week. Cases that do not proceed to trial shall be discussed on the record and reset.

3(b) Motions in Limine. Motions in limine may be submitted by either party. Motions in limine, if filed, shall be filed either before or at the trial status hearing immediately prior to the trial, or by another deadline with leave of the court. Motions in limine will be argued the morning of trial at a time to be determined at the discretion of the trial judicial officer. The filing party shall file a bench/working copy with the physical original. Additionally, all parties are encouraged to submit another bench copy electronically via the court clerk.

Motions in limine shall contain spaces for the judicial officer’s ruling substantially in the form of GRANTED, DENIED or RESERVED for each motion presented. The motions shall contain a date and signature bar for the judicial signature at the end of the document.

The setting of and ruling on motions in limine remain within the sound discretion of the trial judicial officer. Failure to file motions in limine, prior to, or at the required time, is not grounds for a trial continuance for a particular case. Failure to file motions in limine pursuant to this rule may waive being heard prior to the start of the trial and may require a motion to be brought during trial.

3(c) Trial Briefs. If submitted, trial briefs should be filed by no later than 400 PM on the Friday before trial. Parties are encouraged to submit bench copies electronically for the assigned judicial officer through the court clerk.

[Formerly WDCrRLJ 2, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 2, amended effective September 1, 2019; Amended and adopted June 30, 2023 effective September 1, 2023. Section 3(c) Amended, May 15, 2024, Effective September 1, 2024]

3(d) Jury Instructions. Proposed jury instructions and verdict forms shall be submitted pursuant to CrRLJ 6.15, with modifications as set forth in this rule, or with permission of the trial Judge. Instructions shall be submitted by the parties no later than at the close of the State's case or at a requested time upon leave of the court. 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 the opposing party. Parties are encouraged to submit bench copies of instructions for the trial judicial officer, preferably in an electronic and modifiable format.

Any proposed jury instructions, excluding cover sheet of each party, shall be written in Times New Roman font, 12 point, with spacing at space and a half. Each instruction shall include the header, "Instruction No. ____".

[3(d) formerly WDCrRLJ 4, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 4, effective September 1, 2019, amended June 30, 2023, effective September 2023, amended, May 15, 2024, effective September 1, 2024.]

3(e) Notice. When a case docketed for trial is settled, or will not otherwise proceed to hearing, parties shall immediately give written notice to the criminal court clerk via email, at districtcourtservices@co.whatcom.wa.us. In the event that a party fails to provide written notice to the court by 330 PM on the last business day prior to trial that a case will not be tried to a jury on the date set, jury costs, witness fees, and/or terms may be imposed by the court.

[Formerly WDCrRLJ 5, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 5, amended effective September 1, 2019, adopted and amended June 30, 2023, effective 2023.]

WCDCCrR 4-Motions, Briefs, Memoranda, And Other Pleadings

4(a) Calendar. Whatcom County District Court's motion calendar occurs every Thursday at 130 PM.

4(b) Filing- Court Clerk. All motions and supportive documents, including those pursuant to CrRLJ 3.5, or CrRLJ 3.6, shall be filed with the court clerk in accordance with these local rules and if silent, State Court Rules. Such documents shall be served upon opposing counsel, or the opposing party if such party is unrepresented, no later than ten (10) court days before the hearing on the motion. The pleadings shall be filed with a separate "Note for Calendar/Docket," which shall contain a statement of purpose for the hearing and set the date and time to be heard.

The party responding may file responsive briefing and documents, and they shall be filed at least five (5) business days before the hearing date and time. The moving party may, file a final reply and supporting documents to the non-moving party's response, and it shall be filed no later than two (2) business days before the hearing date and time.

4(c) Filing- Electronic Filing. Motions may also be filed electronically with the same filing deadlines as 4(b) using the email address provided for the criminal department on the Whatcom County District Court website.

4(d) Filing- Pretrial Conference Hearing. Motions may also be filed at a pretrial conference hearing when the case is called, and shall also be served upon the non-moving/opposing party in open court. Upon such a filing, the parties shall select the date the motion is to be heard.

4(e) Bench Copy. Any memorandum, brief, or motion filed with the court, must be accompanied by a copy clearly marked BENCH COPY. If the document is filed electronically, the party shall request the clerk provide a BENCH COPY to the assigned judicial officer.

4(f) Format. GR 14 "Format for Pleadings and Other Papers" shall be followed whenever filing any pleading or form.

4(g) Available Forms. The court will post available forms for use in Whatcom County District Court on the Whatcom County District Court Webpage. Additionally, all parties are encouraged to use the forms approved by Administrative Office of the Courts which are available on the Washington Courts webpage under "Forms."

4(h) Noncompliance. A party's failure to use forms as required or suggested herein, shall not be a reason to dismiss a case, refuse a filing, motion, petition, or strike a pleading. The court may at its discretion require the filing party to submit a corrected pleading.

4(i) Electronic Exhibits. All electronic exhibits must be submitted only on a USB storage device with a declaration that the same was served upon the other party. The court cannot accept CDs or videos embedded in email.

[Formerly WDCrRLJ 2, adopted effective September 1, 2003; Amended effective September 1, 2008; Renumbered WDCrR 3, amended effective September 1, 2019, amended and adopted June 30, 2023, effective September 1, 2023.]

WCDCCrR 5- Appearance of the Defendant

5(a) Appearance. The appearance of the defendant is required at all hearings set by the court as set forth in CrRLJ 3.4.

5(b) Virtual Appearance. Whatcom County District Court authorizes the use of virtual appearances in accordance with CrRLJ 3.4.

5(c) Physical Appearance Required. A defendant shall physically appear in person, and shall not be permitted to appear at a hearing either virtually, nor through counsel, unless granted permission by a judicial officer in advance, in any instance where:

- (i) A judicial officer has previously found good cause on the record to require defendant's physical presence;
- (ii) The court also finds the following conditions are good cause to compel a physical appearance of the defendant:
 - a. The defendant has active warrants for their arrest anywhere in Washington State; or
 - b. The case is post-conviction, the defendant is being supervised by probation on an "active" level, and the defendant is alleged to have violated the terms of their probation;
 - c. The defendant is on pretrial supervision and being monitored for compliance by the probation department, and is alleged to have violated their pretrial release conditions and a hearing is set.

[Formerly WDCrR 6, Adopted August 21, 2020; Amended August 28, 2020, effective September 1, 2021, Amended and Adopted June 30, 2023, effective September 1, 2023.]

WCDCCrR 6-Warrant Quash and ~~Special Set Arraignments~~

6(a) A hearing to quash a warrant may be scheduled by contacting the court clerk, or filing a "Note for Calendar / Note for Docket." Warrant quash hearings are set before the Court Commissioner at 230 PM Tuesday through Friday. The request to quash must be received no later than 1000 AM the day of the hearing. Warrant quash hearings may also be set before the assigned judicial officer on the Motion Calendar at 130 PM on Thursdays. The request to quash before the assigned judicial officer must be received no later than 1200 PM noon the day before the hearing. Individuals represented by counsel should request warrant quashes through their attorney.

6(b) Appearance. Physical appearance is required at hearings to quash a warrant, unless specifically waived by the judicial officer in advance of the hearing. Waiver of appearance requests for judicial officer review shall be sent electronically through the court clerk.

[Adopted June 30, 2023, effective September 1, 2023]

WCDCCrR 7- Motion of Bail Review for Incarcerated Defendants

7(a) Procedure. Motions to Review Bail for in custody defendants shall be noted no later than 1200 noon the day prior to the hearing. Bail Reviews shall be heard Tuesday through Friday at 130 PM in custody, or Thursday 130 PM before the assigned judicial officer. The “Note for Calendar / Docket” filed by the moving party shall be accompanied by a written motion and declaration in support per CrRLJ 8.2. The failure to note the matter timely and with the motion and declaration in support filed simultaneously will result in the matter not being set for hearing.

[Adopted June 30, 2024, effective September 1, 2024.]]