

**Whatcom County District Court Criminal Rules**  
(cite as WDCrR)

**1. ADOPTION, CITATION, and APPLICABILITY**

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

[Adopted effective September 1, 2003]

**2. OMNIBUS PROCEDURE**

- (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 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. 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.

- (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.

[Adopted effective September 1, 2003]

### **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.

[Adopted effective September 1, 2003]

### **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).

[Adopted effective September 1, 2003]

### **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.

[Adopted effective September 1, 2003]

Appendix 1

STIPULATED OMNIBUS STATEMENT OF READINESS

WHATCOM COUNTY DISTRICT COURT  
STATE OF WASHINGTON

State of Washington )  
 ) NO.  
 Plaintiff, ) STIPULATED OMNIBUS  
 ) STATEMENT OF READINESS  
 )  
 )  
 Defendant, )  
 \_\_\_\_\_ )

Omnibus hearing currently set for \_\_\_\_/\_\_\_\_/20\_\_.

Trial currently set for \_\_\_\_/\_\_\_\_/20\_\_.

The parties in the above captioned action hereby stipulate and agree that:

This case has not been resolved by agreement, is ready for trial, and should remain on the trial calendar.

Discovery is complete.

Witnesses:

**Plaintiff:**

Witness list filed

Witnesses as follows:

Name:	Address/telephone	Subject of testimony
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Defendant:**

Witness list filed

Witnesses as follows:

Name:	Address/telephone	Subject of testimony
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Attorney for Plaintiff  
W.S.B.A. #

\_\_\_\_\_  
Attorney for Defendant/Defendant  
W.S.B.A. #