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## **LOCAL COURT RULES – CRIMINAL**

### **LCrRLJ 3.2.2 RELEASE OF ACCUSED**

(1) Any person arrested on Probable Cause (without a warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance.

(2) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a felony may be released from custody prior to defendant's first appearance upon (a) the posting of \$50,000 bail or bond; and (b) the person's affixing his or her signature at the appropriate location on a Pre-Arrestment domestic Violence No Contact Order describing in paragraph (4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.

(3) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a misdemeanor or a gross misdemeanor may be released from custody prior to defendant's first appearance upon (a) the posting of \$5,000 bail or bond; and (b) the person's affixing his or her signature in the appropriate location on a Pre-Arrestment Domestic Violence No Contact Order described in paragraph (4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.

### **LCrRLJ 3.4.1 VIDEO CONFERENCES**

Pursuant to CrRLJ 3.4 (d) (2) the Kitsap District Court authorizes the use of Video Conferences Proceedings for all court proceedings.

### **LCrRLJ 3.6 SUPPRESSION PROCEDURE**

(c) Hearing: Motions to suppress physical, oral or identification evidence shall be noted for hearing by the moving party to be held before the impaneling of a jury. The moving party shall contact the court scheduler at (360) 337-7013 to obtain a hearing date.

**LCrRLJ 3.7  
DISPOSITIVE MOTIONS**

(a) Motions that, if granted, would be dispositive of a case or cases shall be noted at the pre-trial hearing and heard on a date prior to the date set for trial.

**LCrRLJ 4.5  
PRE-TRIAL HEARING**

(b) Confirmation: Cases shall be set for either bench or jury trial at the pre-trial hearing. To ensure the presence of a jury, a party must confirm with the court scheduler at (360) 337-7013 no later than 1:30 p.m. on the Thursday prior to the date set for trial. To elect a bench trial on the date set for jury trial, a party shall notify the court of the election no later than 1:30 p.m. on the Thursday prior to the date set for trial. Confirmed jury trials will have priority on jury trial days.

**LCrRLJ 4.7  
DISCOVERY**

(h) Discovery for Court Appointed Counsel: The prosecuting authority shall provide discovery to counsel appointed at public expense within fourteen days of the Order Appointing Counsel. The Order Appointing Counsel shall be considered a written demand for discovery, thereby triggering the prosecuting authority's discovery obligations under CrRLJ 4.7(a).

## **LOCAL COURT RULES – CIVIL**

### **LCRLJ 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

The Kitsap County District Court adopts the Superior Court rule CR 5 (i).

### **LCRLJ 26 DISCOVERY**

Repealed.

### **LCRLJ 40(a)(2) PRELIMINARY TRIAL**

(a) When matters of fact are put in issue by responsive pleadings served and filed in conformance with these rules, the clerk shall, without prior notice to the parties, set the case on for a preliminary trial. At the preliminary trial all parties must appear in person or through counsel. If a party does not appear at the preliminary trial, the non-appearing party's pleadings shall be stricken, unless good cause is shown, and the court may grant a judgment of default or dismissal against the non-appearing party. If no parties appear, the court may dismiss all pending claims without prejudice.

[court actions at preliminary trial omitted]

Counsel shall appear at the preliminary trial with their schedule of dates of availability for trial.

The preliminary trial procedure shall not preclude the entry of default judgments, judgments on the pleadings, or any other orders not inconsistent with these rules of the Civil Rules for Courts of Limited Jurisdiction (CRLJ) prior to the date of the preliminary trial.

### **LCRLJ 58 ENTRY OF JUDGMENT**

(b) Fee Schedule: When a party is entitled to an award of reasonable attorney's fees (in lieu of those statutory fees provided for by RCW 12.20.060), the fees provided in the following attorney's fee schedule shall be deemed reasonable in all default cases unless the party presents evidence of circumstances that convince the court that a larger or smaller fee should be awarded; provided, however, the court shall have authority to vary from this schedule on its own motion:

**SCHEDULE FOR ATTORNEY FEES IN DEFAULT CASES**

**(Other than Statutory Attorney Fees)**

<b>Judgment Range (excluding costs)</b>		<b>Fees Awarded</b>
\$ 50.00 to	\$ 2500.00	\$ 375.00
\$ 2500.01 to	\$ 10,000.00	\$ 750.00
\$ 10,000.01 to	\$ 35,000.00	\$ 1,000.00
\$ 35,000.01 to	\$ 50,000.00	\$ 1,250.00
\$ 50,000.01 to	\$ 75,000.00	\$ 1,500.00

Attorney's fee requests in excess of \$1,500.00 must be itemized.

**LCRLJ 59  
MOTION FOR RECONSIDERATION**

(e) Hearing on Motion for Reconsideration – A motion for reconsideration shall be submitted on briefs and affidavits of the moving party only. No response shall be submitted by the opposing party, nor shall oral argument be heard, unless the court so directs. The court shall notify the parties, whether: (1) the motion has been denied and the hearing stricken; or (2) oral argument and/or responsive pleadings will be allowed.

**LCRLJ ER904(a)(7)  
ADMISSIBILITY OF DOCUMENTS**

(7) Subject to the time lines established in ER 904, the written statement of any witness, including the written report of an expert witness, and including a statement of opinion, which the witness would be allowed to express if testifying in person, is deemed admissible if it is made by affidavit or by declaration under penalty of perjury. Any other party may subpoena the author or maker of a document admissible under this subsection, at the party's expense, and examine the author or maker as if under cross examination.

**LIRLJ 3.5**  
**DECISION ON WRITTEN STATEMENTS**

Mitigation and contested hearings regarding infractions are authorized. The procedure set out in IRLJ3.5 is adopted. Defendants shall be required to comply with written instructions provided by the court. The court shall render its written decision by mail.