

**KITSAP COUNTY DISTRICT COURT  
GR 7 COVER SHEET**

**Proposed New Local Rule  
LGR 22.1 – Litigant Confidential Information Form  
Submitted By Kitsap County District Court**

- (A) **Name Of Proponent** – Kitsap County District Court.
- (B) **Spokesperson** – Claire A. Bradley, Presiding Judge.
- (C) **Submitted For Comment** – Kitsap County District Court is seeking comment pursuant to GR 7(b) on proposed new LGR 22.1. All comments shall be submitted in writing to the Court **no later than noon on Friday, June 9, 2023**. All comments received will be posted on the Court website at **www.kitsap.gov/dc**.

GR 7(b) reads as follows –

**(b) Review and Comment**

- (1) No court may adopt an amended or new local rule without first distributing the proposal and allowing at least 30 days for comment. The court shall distribute the proposal by posting it on the court’s website and sending the proposal to the county prosecutor, the county clerk, a representative of the county public defender, and the local bar association (with a request that the association notify its members). The court may also take other actions to distribute the proposal.
- (2) The court shall direct that all comments on the proposal be submitted in writing to the court by a deadline the court sets. The court shall post on its website all comments it receives.
- (3) After the comment period closes and the court considers any comments, the court may adopt, amend, or reject the proposal or take such other action as the court deems appropriate.

(D) **How To Submit A Comment** – All comments should be submitted to the Court Administrator Robyn Dunham by either email or U.S. mail. Comments may be sent by email to **RDunham@kitsap.gov** or by mail to Kitsap County District Court, 614 Division Street, MS-25, Port Orchard, WA 98366.

(E) **Effective Date** – If implemented, the effective date of proposed new LGR 22.1 will be Friday, September 1, 2023. GR 7(a).

**(F) Purpose Of Proposed New Rule –**

**(1) Multiple Cases Involving The Same Litigant.** The Court’s current case management system permits only a limited ability to view criminal and civil cases involving a litigant even though the litigant might have multiple types of cases filed with the Court.<sup>1</sup>

On Monday, August 14, 2023, the Court’s new Journal Technologies, Inc. case management, document generation, and efilng software will go live. With one click, the Court and court website users will be able to view all previous and pending cases filed with the Court involving a litigant including all criminal, infraction, and civil cases. With a second click, the Court and court website users will be able to open and view each court file involving that litigant including being able to view each document filed in each case.

For a litigant in a new case to be properly linked with a previously filed case involving the same litigant, the Court requires staff to match at least three person identifiers from the previous case with the current case.<sup>2</sup> This process works well for criminal, infraction, and civil protection order cases<sup>3</sup> because litigant person identifiers for each case type are provided to the Court when the case is filed.

No current process exists to obtain litigant person identifier information in civil cases other than infraction and protection order cases. As a result, most litigants in civil cases are not linked to their other cases because the Court lacked the minimum three person identifiers to link the litigant in the new case with their cases previously filed with the Court.

For example, William John Anderson has a criminal case and a civil protection order case filed under his true name William John Anderson (including at least three person identifiers). The criminal and civil protection order cases are linked to Mr. Anderson’s true name.

Mr. Anderson also has multiple civil cases filed with the Court – a small claims case filed under the name Will Anderson; a civil case filed under the name Bill John Anderson, a vehicle impound case filed under the name William Anderson, and an animal impound appeal case filed

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<sup>1</sup> The current system does permit the Court to view a synopsis of all criminal, infraction, and civil protection order cases involving the same person filed with the Court. But the Court is unable to easily determine if that person also has pending or previous cases filed with the Court involving – civil litigation, name changes, small claims, Humane Society animal appeals, and vehicle or vessel impounds. The Court is also unable to view documents from the synopsis screen.

The current system also provides a limited ability for the Court to view some information about victims in criminal cases and civil protection order cases.

<sup>2</sup> Person identifiers include – full legal name; date of birth; driver’s license or identicaid number; address; state identification number (SID); juvenile identification number (JUVIS); Department of Corrections number (DOC); FBI number; and other identifiers.

<sup>3</sup> Civil protection order litigants can be linked by staff to their criminal and infraction cases because the litigants must provide person identifier information to the Court as soon as possible. RCW 7.105.105(2) requires a petitioner to file a Law Enforcement Confidential Information Form (LECIF) with their petition. RCW 7.105.105(2) also requires a respondent to confirm their contact and identifying information and file an LECIF with the Court no later than the respondent’s first appearance on the protection order case.

under the name William J. Anderson. The Court was not provided with at least three person identifiers on any of these civil cases.

Since court staff lacked at least three person identifiers in Mr. Anderson's civil cases to link the civil cases with the criminal and protection order cases, none of the civil cases would be linked with any of the other civil cases or with the criminal and protection order cases. Instead, all of the non-protection order civil cases would inaccurately show to involve separate people even though all of the cases involve Mr. Anderson.

**(2) Purpose And Scope Of This New Rule.** This proposed new rule governs mandatory filing and access to Litigant Confidential Information Form court records, whether the records are maintained in paper or electronic form. The policy of the Court is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the Court.<sup>4</sup>

**(3) Mandatory Litigant Confidential Information Form.** Criminal, infraction, and civil protection order cases currently provide person identifier information to the Court when a case is filed so all such cases filed with the Court involving that litigant are able to be easily linked with each other and viewed.

Unlike the current system, Journal software will allow the Court and court website users to be able to easily find all cases filed with the Court concerning a particular litigant so long as there are at least three person identifiers provided to the Court about that litigant when a case is filed with the Court.

As with the mandatory Law Enforcement Confidential Information Form required by RCW 7.105.105(2) for civil protection order cases, the new Litigant Confidential Information Form when completed by litigants will permit the linking of all cases involving a particular litigant regardless of the case type being filed with the Court.

Contact information provided by litigants with the Litigant Confidential Information Form will also allow the Court to be able to have updated information to assist the Court in contacting litigants when necessary.

The Court and court website users should be able to easily find all cases filed with the Court concerning a particular litigant because court files are presumptively open to the public.<sup>5</sup> This proposed new rule will allow the Court and court website users to do so through the new Journal software.

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<sup>4</sup> See GR 22(a).

<sup>5</sup> See GR 31(a).

For these reasons, this proposed new rule requires all plaintiffs/petitioners in civil cases to provide to the Court a Litigant Confidential Information Form providing person identifier information about the plaintiff/petitioner **and** defendant/respondent when a civil case is filed.

The proposed new rule also requires all civil defendants/respondents to file a Litigant Confidential Information Form with the Court no later than their first appearance in the case.

Finally, the proposed new rule requires litigants to update a previously provided Litigant Confidential Information Form when necessary until the case is concluded.

(4) **Restricted Access**. The Litigant Confidential Information Form includes private personal information and identifiers.<sup>6</sup> Public disclosure of this information – (a) would be highly offensive to a reasonable person; and (b) is not of legitimate concern to the public.<sup>7</sup> This proposed new rule restricts access to the Litigant Confidential Information Form except as authorized by GR 22(h) and GR 22(i).

(5) **Excluded Records**. This proposed new rule does not apply to court records sealed pursuant to GR 15 or to court records otherwise restricted by law.<sup>8</sup>

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<sup>6</sup> Non-public information includes – date of birth; driver’s license or identicaid number; address information; and telephone numbers. A litigant’s full legal name and email address (if provided) are public.

<sup>7</sup> See GR 22(b)(4) and GR 22(c)(2).

<sup>8</sup> See GR 22(c)(3).

# KITSAP COUNTY DISTRICT COURT

## LOCAL COURT RULES – GENERAL

LGR 22.1 [NEW]

### LITIGANT CONFIDENTIAL INFORMATION FORM

(a) **Litigant Confidential Information Form – Mandatory In Civil Cases.**

(1) **New Civil Cases.** The clerk of the court shall not accept the initiation of any new civil case for filing (not including civil protection order and infraction cases) unless accompanied by the Litigant Confidential Information Form or equivalent, or unless the Litigant Confidential Information Form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate Litigant Confidential Information Form, the clerk may collect the information in electronic form.

(2) **Plaintiff/Petitioner Obligations.** The plaintiff/petitioner shall fill out the Litigant Confidential Information Form to their fullest ability, including full information about the plaintiff/petitioner and defendant/respondent. The defendant/respondent should be provided a blank Litigant Confidential Information Form at the time of service.

(3) **Defendant/Respondent Obligations.** When the defendant/respondent first appears, the defendant/respondent must confirm with the Court their identifying and current contact information, including electronic means of contact, and shall file the Litigant Confidential Information Form with the Court.

(b) **Updated Information.** Until the case is concluded, a party in a civil or criminal case shall fully fill out an updated Litigant Confidential Information Form where the information previously provided to the Court about the party needs to be updated or amended.

(c) **Restricted Access.** The Litigant Confidential Information Form shall only be accessible as provided by General Rule 22(h) and General Rule 22(i).

(d) **Rule Does Not Apply.** This rule does not apply to court records that are sealed as provided in General Rule 15 or to which access is otherwise restricted by law (e.g. Law Enforcement Confidential Information Form restricted by RCW 7.105.105(2)).

[Effective September 1, 2023]



**KITSAP COUNTY DISTRICT COURT  
STATE OF WASHINGTON**

**LITIGANT CONFIDENTIAL INFORMATION FORM**

**IMPORTANT NOTICE** – Kitsap County District Court needs information about every party involved in a case so the court can accurately identify the parties and be able to contact them. Except for your name, email and mailing address, the information provided in this form will **NOT** be a part of a public court file nor provided by the court to the other party or their attorney.

**CASE**

Name Of Your Case – \_\_\_\_\_

District Court Case Number (*leave blank if no number*) – \_\_\_\_\_

**ASSISTANCE**

Would any of the following assist you to fully participate in this case? (*complete all that apply*)

Language interpreter (*which language*)? \_\_\_\_\_

Hearing Assistance?        Sign Language Interpreter        Listening Device Requested

**INFORMATION**

Full Legal Name (public) – \_\_\_\_\_

Date Of Birth – \_\_\_\_\_

Driver's License/Identocard Number – \_\_\_\_\_ State – \_\_\_\_\_

Mailing Address (public) – \_\_\_\_\_

    City, State, Zip (public) – \_\_\_\_\_

Residential Address – \_\_\_\_\_

    City, State, Zip – \_\_\_\_\_

Email (public) – \_\_\_\_\_

Cell No. – \_\_\_\_\_

Home No. – \_\_\_\_\_

Work No. – \_\_\_\_\_

SIGNED at (*city*) \_\_\_\_\_, (*state*) \_\_\_\_\_ on (*date*) \_\_\_\_\_.

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*/s/ Signed Electronically*