

**Comments Submitted for Consideration on
Proposed Kitsap County Superior Court Local Rules
Updated: May 28, 2021**

KCLCR 16 - Pretrial Procedure and Formulating Issues		
Date / Time	Commenter	Comment
05/24/2021 / 12:49pm	Isaac Anderson	The proposed subsection (7) requires the parties to make a "good faith effort to resolve the case" prior to the settlement conference. This unnecessarily hamstrings the parties from determining the best timing for efficient and quality settlement negotiations, even when the parties are operating in good faith. For example, what if the parties cannot successfully engage in good faith negotiations to resolve a boundary line dispute until an adequate survey takes place? There can be dozens of other situations which require maximum flexibility for the litigants in deciding on when to participate in negotiations. This proposed rule should be changed from "prior to" to "at" the settlement conference.

KCLCR 77(k)(5)(H) - Domestic Relations Matters; Parentage and State Child Support Calendar		
Date / Time	Commenter	Comment

KCLCR 77(k)(10)(B) - Hearing of Calendars

Date / Time	Commenter	Comment
05/28/2021 / 2:17pm	Brian Anthoney	The rule should be clarified to indicate which calendars require 14 days notice. As written, it's unclear if all of the generic domestic relations calendars (i.e. parentage, domestic relations, DV, etc) require 14 days notice or only the specific domestic relations calendar. I would propose all domestic relations matters require 14 days notice, regardless of the specific calendar/docket.

KCLCR 77(k)(10)(c)(iv) - [Rescinded]

Date / Time	Commenter	Comment

KCLFLR 6(d) - Mandatory Settlement Conferences

Date / Time	Commenter	Comment

KCLFLR 12 - Motions for Revision

Date / Time	Commenter	Comment
05/24/2021 / 12:10pm	Thurman W. Lowans	Although Revision Motions are to be filed within 10 days is part of the statute, when the clock starts has always been a source of mischief for those seeking to have it both ways. The proposed rule may compound the problem a bit by reciting "All orders, both oral and written,remain valid" If an oral ruling is never reduced to writing, theoretically it would be subject to a Revision Motion forever. Either the Commish needs to set a date certain for entry of the Order memorializing the ruling or some other means of automatically starting the 10 day clock should be considered.

05/24/2021 / 12:39pm

Alton McFadden

I have a question and concern about the KCLFLR 12 MOTIONS FOR REVISION. It indicates that a motion to revise a court commissioner's DECISION shall be filed within 10 days. Is a DECISION the verbal order or the entry of a written order. Given the proposed rule goes on to state, "All orders, both oral and written, granted by the court commissioner shall remain valid and in effect..." I would assume that the decision includes the verbal orders. However, verbal rulings from the bench are by settled law advisory until a written order is entered. See State ex rel. Tufton v. Superior Court of Washington for Kitsap County, 46 Wash 395, 398, 90 P. 258, 258 (1907) See also Pratt v. Pratt, 99 Wn.2d 905, 910, 665 P.2d 400, 403-04 (1983) where Tufton supra was affirmed and cited as follows: As we stated in State ex rel. Tufton v. Superior Court, supra at 398, "the almost uniform practice is to regard the oral announcement from the bench as merely a guide to the preparation of written findings, which, when prepared and signed, are regarded as the real findings on which the decree is based . . ." Until a final decree is signed and entered by the court, anyone can change his mind. See also, Pratt v. Pratt, at 910 "A judgment is the final consideration and determination of a court of competent jurisdiction upon the matters submitted to it" . . .; until a judgment is signed the judge may change his mind and sign a different judgment. (Footnote omitted.) We agree with the Michigan court.

The general rule of thumb I believe under the case law is that verbal orders of the court are not final, and in practice here in Kitsap there are frequent amendments of orders by the court when they come on for presentation, including at times significant additions. So if a seek revision of the verbal order and lose, do I get a second bite for revision if when the order is actually presented and signed there is what I consider a significant change than what we argued was the order on the first round of motion for revision.

	<p>Also, if a motion for revision is filed just on the verbal order, it seems to put the court at a disadvantage as to what the order was as there is not likely going to be a transcript and a difference of opinion of what the order was, and as suggested above arguments made on the supposed verbal ruling may change if the written ruling has a significant purpose. Further, do I lose my client's right of revision if I let the 10 days lapse on the verbal ruling and then upon entry of the written order with what I believe to be a change or addition is now a problem for my client or does the 10 days start again from when the order is signed.</p> <p>I would recommend that only written, signed orders of the court be amendable to a motion for revision or for that matter contempt.</p>
--	---

KCLMAR - [Updated In Accordance W/ SCCAR]		
Date / Time	Commenter	Comment

Exhibit E - Note for Motion Docket		
Date / Time	Commenter	Comment

Exhibit H - Note for Arbitration Setting Initial Statement of Arbitrability		
Date / Time	Commenter	Comment

Exhibit I - Response to Statement of Arbitrability

Date / Time	Commenter	Comment

Exhibit J - Arbitration Award

Date / Time	Commenter	Comment