

KITSAP COUNTY DISTRICT COURT STATE OF WASHINGTON



LOCAL COURT RULES

*Amended June 22, 2023
Effective September 1, 2023*

JUDGE CLAIRE A. BRADLEY
Department No. 1

JUDGE JEFFREY J. JAHNS
Department No. 2

JUDGE SHANE R. SEAMAN
Department No. 3

JUDGE KEVIN P. KELLY
Department No. 4

ROBYN L. DUNHAM
Court Administrator

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES

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KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – GENERAL

LGR 22.1

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]

LGR 30.1
ELECTRONIC FILING AND SERVICE

(a) **Electronic Filing.**

- (1) Effective November 13, 2023, attorneys shall electronically file (eFile) all documents using the Court’s designated eFiling application unless this rule provides otherwise.
- (2) Non-attorneys and unrepresented litigants are not required to eFile but are encouraged to do so.
- (3) Electronically filing documents through the Court’s designated eFiling application will be free for all users. Any statutorily-imposed filing fee or surcharge, however, will still need to be paid unless the Court waives the filing fee or surcharge pursuant to GR 34.

[Effective September 1, 2023]

(b) **Documents That Need Not Be eFiled.** The following documents may be filed in paper form rather than eFiled –

- (1) Documents submitted for *in camera* review, or documents supporting motions to seal, including documents submitted pursuant to GR 15; and/or
- (2) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means.

[Effective June 1, 2022]

(c) **Waiver Of The Requirement To eFile For Attorneys.**

- (1) If an attorney is unable to eFile documents, the attorney may request a waiver from the Court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The Court will make waiver request forms available on the Court website. The Court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from e-Filing per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.
- (2) Upon a showing of good cause the Court may waive the requirement as to a specific document or documents on a case by case basis.

[Effective June 1, 2022]

(d) **Compliance With This Rule.**

- (1) The Court will reasonably work with an individual to correct any non-compliance with eFiling requirements. This will be especially true when the eFiling application initially “goes live” because everyone will need time to learn how to use the new eFiling application.
- (2) The Court may assess a fee of \$20.00 dollars per electronic document to a person whose signature is on an electronic document eFiled with the Court that requires special handling because of – (a) errors; (b) failure to follow court rules or statutes; and/or (c) lack of completeness.
- (3) The Court may assess a fee of \$50.00 dollars for each paper document filed with the Court if an attorney and/or an attorney’s firm files a document in paper form and does not have an approved LGR 30.1(c) waiver from eFiling.

[Effective June 1, 2022]

(e) **Force And Effect.** Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents that are not eFiled.

[Effective June 1, 2022]

(f) **Electronic Service.** If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

[Effective June 1, 2022]

(g) **Time Of Filing, Confirmation, And Rejection.**

- (1) A party whose eFiling is untimely as the result of a technical failure of the Court’s eFiling application may seek appropriate relief from the Court.
- (2) Problems on the eFiler’s end (such as phone line problems, problems with the eFiler’s Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule nor excuse an untimely eFiling. An eFiler who cannot file a document electronically because of a problem on the eFiler’s end should explore other eFiling options. The eFiler’s login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.
- (3) Filing a document electronically does not alter filing deadlines.
- (4) In the absence of the Court’s confirmation of receipt and eFiling, there is no presumption that the Court received and filed the document. The eFiler is responsible to verify that the Court received and filed any document that was submitted to the Court electronically using the Court’s eFiling application.

[Effective June 1, 2022]

(h) **Password Security**. eFilers agree to protect the security of their passwords and immediately notify the Court if they learn that their password has been compromised. eFilers may be subject to sanctions for failure to comply with this provision.

[Effective June 1, 2022]

(i) **Binding Effect On Signer**. An electronic document filed in accordance with this rule and electronically signed means the signer intends to sign electronically and agrees the electronic signature binds the signer the same as a handwritten signature for the purpose of validity, enforceability, and admissibility including CRLJ 11.

[Effective June 1, 2022]

(j) **Official Record**. When a document has been filed electronically, the official record is the electronic record of the document as stored by the Court. A party is bound by the document as eFiled.

[Effective June 1, 2022]

(k) **Mandatory Usage Of District Court Website Pattern Forms**. The Court has uploaded many online pattern forms to its website to assist the public and attorneys. See the “Forms” link in the top navigation menu at www.kitsap.gov/dc.

(1) A Court website pattern form shall be used when that document is filed electronically. Failure of an eFiler to comply will result in the document being rejected for eFiling. The Court may also consider LGR 30.1(d).

(2) If no Court website pattern form exists, eFilers are strongly encouraged to use pattern forms located at the Washington Courts website. See the “Forms” link in the top navigation menu at www.courts.wa.gov/.

[Effective September 1, 2023]

LGR 100

TRIAL CONFIRMATION AND APPEARANCE

- (a) **Policy And Purpose.** The purpose of this rule is to – (1) codify the process of the court being notified by parties that a case is anticipated to proceed to trial at the scheduled trial date; and (2) require parties and counsel to appear in person at the scheduled trial date.
- (b) **Scope.** This rule applies to all civil and criminal trials, both bench and jury. This rule does not apply to trials of the following case types – infractions; vehicle related violations; forfeitures; name changes; protection orders; small claims; or vehicle impounds.
- (c) **Mandatory Trial Confirmation.** Civil and criminal trials shall be confirmed when a party anticipates a case proceeding to trial at the scheduled trial date.
- (d) **Trial Confirmation Method.** Civil and criminal trials shall be confirmed by a party filing a written Notice Of Trial Confirmation. Trials may not be confirmed telephonically, by email, or by any other method.
- (e) **Trial Confirmation Timeframe.** Civil and criminal trials shall be confirmed within the following timeframe the week before the scheduled trial date –
 - (1) **Court Open Friday Before Scheduled Trial Date.** A written Notice Of Trial Confirmation shall be filed no earlier than 8:00 AM on the Monday before the scheduled trial date and no later than 1:30 PM on the Thursday before the scheduled trial date.
 - (2) **Court Not Open Friday Before Scheduled Trial Date.** A written Notice Of Trial Confirmation shall be filed no earlier than 8:00 AM on the Monday before the scheduled trial date and no later than 1:30 PM on the Wednesday before the scheduled trial date.
 - (3) **Court Not Open Thursday Or Friday Before Scheduled Trial Date.** A written Notice Of Trial Confirmation shall be filed no earlier than 8:00 AM on the Monday before the scheduled trial date and no later than 1:30 PM on the Tuesday before the scheduled trial date.
 - (4) **Scheduled Trial Date On Tuesday.** If the scheduled trial date is on a Tuesday because the court is closed on Monday, the above Monday confirmation timeframes begin the Monday prior to the Monday the court is closed.
- (f) **Failure To Confirm Trial – Court Actions.** Failure to timely confirm a civil or criminal trial will result in the following non-exclusive list of court actions taken at the scheduled trial date – confirmed trials having priority; witnesses not being permitted to testify; a jury panel not being present; court staff being reassigned to other tasks, and possible continuance of the trial date.

- (g) **Failure To Confirm Trial – Sanctions.** The court on its own initiative or on a motion of a party may order an attorney or party to show cause as to why sanctions or terms should not be imposed for the failure to confirm a civil or criminal trial.

If the court finds that an attorney or party has failed to confirm a civil or criminal trial and has no reasonable excuse or other good cause, the court may order the attorney or party to pay monetary sanctions to the court, or terms to any attorney or party who has incurred expense as a result of the failure to confirm a civil or criminal trial, or both.

In addition, the court may impose such other sanctions or terms as justice requires.

As used in this rule, “terms” means costs, reasonable attorney fees and other expenses incurred or to be incurred as a result of the failure to confirm a civil or criminal trial. “Monetary sanctions” means a financial penalty payable to the court. “Other sanctions” includes, but is not limited to, the exclusion of evidence and other sanctions available pursuant to the Limited Jurisdiction Court Civil Rules (CRLJ), Limited Jurisdiction Court Criminal Rules (CrRLJ), and Local Court Rules.

- (h) **Untimely Trial Confirmation.** The court clerk shall reject the filing of a written Notice Of Trial Confirmation not filed within the confirmation timeframe of LGR 100(e).
- (i) **Trial Unconfirmation.** Confirmed civil and criminal trials may be unconfirmed by either party. A party unconfirming an opposing party’s Notice Of Trial Confirmation may only unconfirm the trial upon a showing of good cause to be determined at the scheduled trial date.
- (j) **Trial Unconfirmation Method.** Confirmed civil and criminal trials may be unconfirmed by a party filing a written Notice Of Trial Unconfirmation. Trials may not be unconfirmed telephonically, by email, or by any other method.
- (k) **Trial Unconfirmation Timeframe.** Confirmed civil and criminal trials may be unconfirmed within the following timeframe the week before the scheduled trial date –
- (1) **Court Open Friday Before Scheduled Trial Date.** A written Notice Of Trial Unconfirmation shall be filed no later than 1:30 PM on the Friday before the scheduled trial date.
 - (2) **Court Not Open Friday Before Scheduled Trial Date.** A written Notice Of Trial Unconfirmation shall be filed no later than 1:30 PM on the Thursday before the scheduled trial date.
 - (3) **Court Not Open Thursday Or Friday Before Scheduled Trial Date.** A written Notice Of Trial Unconfirmation shall be filed no later than 1:30 PM on the Wednesday before the scheduled trial date.
- (l) **Untimely Trial Unconfirmation.** The court clerk shall reject the filing of a written Notice Of Trial Unconfirmation not filed within the unconfirmation timeframe of LGR 100(k).

- (m) **Forms**. Notice Of Trial Confirmation and Notice Of Trial Unconfirmation forms are available under the “Forms” link at the court website, www.kitsap.gov/dc.
- (n) **Mandatory In Person Appearance At Trial**. All parties and counsel shall appear in person at the scheduled civil and criminal trial date regardless of whether a trial has been confirmed. Appearance by video conference, telephonically, or by any other method is prohibited absent prior court permission.

[Effective September 1, 2023]

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – EVIDENCE

LER 904.1

ADMISSIBILITY OF EVIDENCE – DOCUMENTS

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 rule, at the party's expense, and examine the author or maker as if under cross examination.

[Amended effective September 1, 2019.]

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – CIVIL

LCRLJ 5.1

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS – DISCOVERY MATERIAL

Kitsap County District Court adopts Superior Court Civil Rule (CR) 5(i) concerning the filing of discovery material.

[Amended effective September 1, 2019.]

LCRLJ 40.1

ASSIGNMENT OF CASES – PRELIMINARY TRIAL HEARING

- (a) **Scheduling**. 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 hearing.
- (b) **Appearance Required**. At the preliminary trial hearing, all parties must appear in person or through counsel. If a party does not appear at the preliminary trial hearing, 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.
- (c) **Availability Dates**. All parties and/or their counsel shall appear at the preliminary trial hearing with the party's and counsel's schedule of dates of availability for trial.
- (d) **Matters Prior To Preliminary Trial Permitted**. The preliminary trial hearing procedure shall not preclude the entry of a default judgment, judgment on the pleadings, or any other orders prior to the date of the preliminary trial hearing which are not inconsistent with these rules or the Civil Rules for Courts of Limited Jurisdiction (CRLJ).

[Amended effective September 1, 2019.]

LCRLJ 55.1

DEFAULT – REASONABLE ATTORNEY FEES SCHEDULE

(a) **Court May Vary From Attorney Fees Schedule.** The Court shall have authority to vary, on its own motion, from the attorney fees schedule listed below.

(b) **Attorney Fees Sought In Excess of Schedule.** A party seeking reasonable attorney fees in excess of the attorney fees schedule listed below shall file an itemized attorney fees affidavit or declaration under penalty of perjury. The affidavit or declaration under penalty of perjury should address the reasonable attorney fees factors discussed in RPC 1.5, *Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581 (1983), *Singleton v. Frost*, 108 Wn.2d 723 (1987), *Scott Fetzer Co. v. Weeks*, 122 Wn.2d 141 (1993), *Mahler v. Szucs*, 135 Wn.2d 398 (1998), and *Berryman v. Metcalf*, 177 Wn.App. 644 (Div. 1 2013).

(c) **Default Judgment Reasonable Attorney Fees Schedule.** When a party is entitled to an award of reasonable attorney fees by contract, statute or recognized equity ground, *Seattle v. McCready*, 131 Wn.2d 266, 273-75 (1997), the fees provided in the following attorney fees schedule shall be deemed reasonable in all default cases unless a party presents evidence that a larger or smaller fee should be awarded –

JUDGMENT RANGE	FEES AWARDED
\$ 50.00 – \$ 2500.00	\$ 375.00
\$ 2500.01 – \$ 10,000.00	\$ 750.00
\$ 10,000.01 – \$ 35,000.00	\$ 1,000.00
\$ 35,000.01 – \$ 50,000.00	\$ 1,250.00
\$ 50,000.01 – \$ 75,000.00	\$ 1,500.00
\$ 75,000.01 – \$ 100,000.00	\$ 2,000.00

[Amended effective September 1, 2019.]

LCRLJ 59.1

NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS –
HEARING ON MOTION FOR RECONSIDERATION

A motion for reconsideration shall initially be submitted by the moving party only on its own briefs and affidavits or declarations under penalty of perjury. The Court will review the moving party's reconsideration pleadings *ex parte*. The court will thereafter notify the parties whether – (a) the motion has been denied; or (b) oral argument will be scheduled and/or responsive pleadings will be required.

[Amended effective September 1, 2019.]

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – CRIMINAL

LCrRLJ 3.2.2

RELEASE OF ACCUSED – DOMESTIC VIOLENCE OFFENSES

Any person arrested on Probable Cause (without an arrest 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 in the absence of a judicial order.

[Amended effective September 1, 2020; September 1, 2019.]

LCrRLJ 3.4.1

VIDEO CONFERENCE PROCEEDINGS

Kitsap County District Court authorizes the use of video conference proceedings pursuant to CrRLJ 3.4.

[Amended effective September 1, 2023; September 1, 2019.]

LCrRLJ 3.6.1

SUPPRESSION PROCEDURE – SCHEDULING

Motions to suppress physical, oral or identification evidence shall be noted for hearing by the moving party to be held prior to the date set for trial. The moving party shall contact the court scheduler at (360) 337-7013 or by email at districtcourt@kitsap.gov to obtain a hearing date.

[Amended effective September 1, 2023; September 1, 2019.]

LCrRLJ 3.7

DISPOSITIVE MOTIONS – SCHEDULING

Motions that, if granted, would be dispositive of a case shall be noted for hearing by the moving party to be held on a date prior to the date set for trial. The moving party shall contact the court scheduler at (360) 337-7013 or by e-mail at districtcourt@kitsap.gov to obtain a hearing date.

[Amended effective September 1, 2023; September 1, 2019.]

LCrRLJ 4.7.1

DISCOVERY – COURT APPOINTED COUNSEL

The prosecuting authority shall provide discovery to counsel appointed at public expense within 14 days of the Court's appointment of counsel. The Court's appointment of counsel shall be considered a written demand for discovery, thereby triggering the prosecuting authority's discovery obligations pursuant to CrRLJ 4.7(a).

[Amended effective September 1, 2023; September 1, 2019.]

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – INFRACTIONS

LIRLJ 3.5.1 LOCAL RULE OPTIONS

(a) **Decisions on Written Statements – Contested and Mitigation Hearing Procedures.**

Kitsap County District Court adopts IRLJ 3.5(a).

(b) **Telephonic or Video Conference Mitigation Hearings.** Kitsap County District Court adopts IRLJ 3.5(b).

[Amended effective September 1, 2019.]