

KITSAP COUNTY DISTRICT COURT STATE OF WASHINGTON



LOCAL COURT RULES

*Amended June 20, 2019
Effective September 1, 2019*

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**KITSAP COUNTY DISTRICT COURT
LOCAL COURT RULES**

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KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – CRIMINAL

LCrRLJ 3.2.2

RELEASE OF ACCUSED – DOMESTIC VIOLENCE OFFENSES

(a) Domestic Violence No Bail Hold. A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has committed a domestic violence offense under RCW 10.99 *et seq.*, except as follows –

(1) Felony Domestic Violence Offense. A person being held for a domestic violence offense classified as a felony may be released from custody prior to a defendant’s first court appearance upon –

(a) \$50,000 Bail or Bond. The posting of \$50,000 bail or bond; and

(b) Pre-Arrest Domestic Violence No Contact Order. The person’s affixing his or her signature at the appropriate location on a Pre-Arrest Domestic Violence No Contact Order 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.

(2) Non-Felony Domestic Violence Offense. A person being held for a domestic violence offense classified as a misdemeanor or a gross misdemeanor may be released from custody prior to a defendant’s first court appearance upon –

(a) \$5,000 Bail or Bond. The posting of \$5,000 bail or bond; and

(b) Pre-Arrest Domestic Violence No Contact Order. The person’s affixing his or her signature in the appropriate location on a Pre-Arrest Domestic Violence No Contact Order 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.

[Amended effective 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(d) and (e).

[Amended effective 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 to obtain a hearing date.

[Amended effective 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 KCDC@co.kitsap.wa.us to obtain a hearing date.

[Amended effective 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 entry of an Order Appointing Counsel. An Order Appointing 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, 2019.]

LCrRLJ 6.1.4
PROCEDURES AT TRIAL – TRIAL CONFIRMATION

Cases will be scheduled for trial by the Court at the pre-trial hearing. A party must confirm that the case will be ready for trial on the scheduled trial date by confirming the trial with the court scheduler at (360) 337-7013 or by e-mail at KCDC@co.kitsap.wa.us no later than 1:30 PM on the Thursday prior to the date set for trial. Failure of a party to confirm a trial may result in the trial date being continued. No jury will be available for a scheduled trial date where a party has not confirmed the trial.

[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 40.2

ASSIGNMENT OF CASES – TRIAL CONFIRMATION

Cases will be scheduled for trial by the Court at the preliminary trial hearing. A party must confirm that the case will be ready for trial on the scheduled trial date by confirming the trial with the court scheduler at (360) 337-7013 or by e-mail at KCDC@co.kitsap.wa.us no later than 1:30 PM on the Thursday prior to the date set for trial. Failure of a party to confirm a trial may result in the trial date being continued. No jury will be available for a scheduled trial date where a party has not confirmed the trial.

[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 – 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 – 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.]