

KITSAP COUNTY DISTRICT COURT
GR7 COVER SHEET

Proposed Amended Local Court Rules

LCRLJ 40.1 - Assignment of Cases - Preliminary Trial Hearing

LGR 30.1 Electronic Filing and Service

Submitted by Kitsap County District Court

(A) **Name of Proponent** - Kitsap County District Court

(B) **Spokesperson** – Kevin P. Kelly, Presiding Judge

(C) **Submitted for Comment** - Kitsap County District Court is seeking comment pursuant to GR7(b) on the proposed rescission of LCRLJ 40.1 and proposed amendment to LGR 30.1. All comments shall be submitted in writing to the court no later than noon on Friday June 5, 2026. All comments received will be posted on the court website at www.kitsap.gov/dc

a. GR 7(b) reads as follows – Review and Comment

- i. 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.
- ii. 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.
- iii. 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 Court Administrator Robyn Dunham either by email to rdunham@kitsap.gov or by U.S. 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 rescinding of LCRLJ 40.1 and amendment of LGR 30.1 will be Tuesday September 1, 2026. GR 7(a)

(F) **Purpose of Proposed Recission of LCRLJ 40.1** –

- a. Currently, the Thursday civil calendar is roughly made up of 50% or more preliminary trial hearings mandated by court rule. These hearings are repeatedly continued until there is a resolution, a default or dismissal (per LCRLJ 40.1), or a summary judgment motion. Most of the time the cases are continued 2-3 months at a time.
- b. This results in unnecessary hearings and often allows attorneys to avoid paying the related fees for filing ex-parte default motions by using the dates the court sets on counsel's behalf.

(G) **Proposed Recission of LCRLJ 40.1** – Proposed amendments of LCRLJ 40.1 are highlighted in yellow and include strikethrough.

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, 2026.]

(H) **Purpose of Proposed Amendment of LGR 30.1** –

- a. Currently, section (c) references a Waiver Request form will be made available on the court website. This form is no longer available on the court website. Attorneys may submit their own forms to comply with the requirements in section (c)

(I) **Proposed Amendment of LGR 30.1** – Proposed amendments of LGR 30.1 are highlighted in yellow and include ~~strikethrough~~.

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.
- (4) The effective date of this rule may be delayed by administrative order of the Presiding Judge if more time is necessary to fully implement the Court’s eFiling application and complete training.

[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]