

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KITSAP COUNTY

614 DIVISION STREET, MS-24  
PORT ORCHARD, WASHINGTON 98366  
(360) 337-7140

**TINA ROBINSON**, JUDGE  
DEPARTMENT NO. 1  
**MICHELLE ADAMS**, JUDGE  
DEPARTMENT NO. 2  
**MELISSA A. HEMSTREET**, JUDGE  
DEPARTMENT NO. 3  
**WILLIAM C. HOUSER**, JUDGE  
DEPARTMENT NO. 4  
**JEFFREY P. BASSETT**, JUDGE  
DEPARTMENT NO. 5  
**KEVIN D. HULL**, JUDGE  
DEPARTMENT NO. 6

**JENNIFER A. FORBES**, JUDGE  
DEPARTMENT NO. 7  
**CADINE FERGUSON-BROWN**, JUDGE  
DEPARTMENT NO. 8  
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**MATTHEW L. CLUCAS**  
COURT COMMISSIONER  
**LYNN K. FLEISCHBEIN**  
COURT COMMISSIONER  
**FRANK A. MAIOCCO, JR.**  
COURT ADMINISTRATOR

**M E M O R A N D U M**

March 27, 2025

To: Mr. David Lewis, Kitsap County Clerk  
Mr. Chad Enright, Kitsap County Prosecuting Attorney  
Mr. Steve Lewis, Director, Kitsap County Office of Public Defense  
Members of the Kitsap County Bar Association

From: Hon. Jennifer A. Forbes, Presiding Judge  
Kitsap County Superior Court

Re: Proposed Amendments to the Kitsap County Superior Court Local Court Rules

Attached, you will find a copy of proposed amendments and/or newly proposed additions to the local Superior Court rules that are under consideration by the Kitsap County Superior Court Judges:

KCLCR 16(a)(7)	Pretrial Procedure and Formulating Issues; Settlement Conferences (civil-non-domestic)
KCLCR 40(b)(5)(C)	Assignment of Cases; Methods; Case Management; TRACK III – Domestic Relations
KCLCR 51(b)(2)(C)	Instructions to Jury and Deliberation; Submission
KCLCR 77(k)(5)	Superior Courts and Judicial Officers; Motion Day – Local Rules; Domestic Relations
KCLFLR 2	Family Law Motion Practice
KCLFLR 6(b)	Mandatory Settlement Conferences
KCLFLR 9	Case Progression
KCLFLR 13	Presentation of Temporary Orders and Final Pleadings in Family Law Cases
KCLCAR 8.1	Stipulations
KCLCAR 8.6	Compensation of Arbitrator

KCLCrR 4.2(e)  
KCLCrR 7.8(c)

Pleas  
Procedure on Vacation of Judgment

Please forward any comments, concerns, or suggestions to Frank Maiocco, Superior Court Administrator, at [fmaiocco@kitsap.gov](mailto:fmaiocco@kitsap.gov) **no later than Wednesday, April 30, 2025**. Comments may also be provided electronically at:

<https://www.cognitoforms.com/KitsapCounty1/KitsapCountySuperiorCourtLocalRuleChangeComments>

In keeping with KCLCR 83(a)(6), and subject to any written comments, objections, or suggestions received in the interim, these proposed rule amendments will be approved and submitted to the Administrative Office of the Courts on or before July 1, 2025 with an anticipated effective date of **September 1, 2025**.

cc: Frank Maiocco

## KCLCR 16 PRETRIAL PROCEDURE AND FORMULATING ISSUES

### (a) Settlement Conferences (civil-non-domestic).

(1) Attendance and Preparation Required. Settlement conferences are mandatory, unless the parties file proof of each party's participation in a formal mediation.

(a) The mediator may not have an interest in the case's outcome and may not be related to a party, and the mediator must be:

- i. an attorney licensed to practice before the courts of this state having at least five years of experience in the primary subject matter of the action;
- ii. an individual, who may be an attorney, with special skill or training in the subject matter of this action (e.g. administration of trusts and estates); or,
- iii. an individual, who may be an attorney, with special skill or training as a mediator.

(b) No later than noon of the court day prior, all parties and counsel shall serve a complete memorandum for settlement upon the other parties and provide the original for the settlement conference judge. The original memorandum shall not be filed. The attorney personally in charge of each party's case and trial counsel shall personally attend all settlement conferences and shall come prepared to discuss in detail and in good faith the following, which shall also be addressed in the memorandum for settlement:

- All liability issues;
- All items of special damages or property damage;
- The degree, nature, and duration of any claimed disability;
- General damages;
- Explanation of position on settlement. When money damages are at issue, the parties shall include their opening offer to settle the case; and,
- A brief description of efforts to resolve the case.

(2) Parties to be Available.

(a) *Attendance.* The parties shall, in all cases, attend.

(b) *Representative of Insurer.* A party whose defense is provided by a liability insurance company shall personally attend said settlement conference and a representative of the insurer of said party shall attend or be available by telephone with sufficient authority to bind the insurer to a settlement.

- (c) *Court May Excuse Attendance.* Attendance of a party may be excused upon notice to other parties no later than 24 hours prior to the settlement conference at the discretion of the settlement conference judge, preassigned judge, or Presiding Judge for good cause shown.
  - (d) Failure to attend the settlement conference in accordance with these rules may result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference.
- (3) Mandatory Confirmations. All settlement conferences must be confirmed in person, by telephoning the Superior Court office at **(360) 337-7140 (Option #2)**, or by email at **supcourtconfirm@kitsap.gov** no later than 12:00 noon on the day before the conference, but not earlier than 48 hours in advance.
- (4) Changes or Continuances. Changes or continuances of settlement conferences may be authorized only by the Presiding Judge or preassigned judge on timely written motion and for good cause shown.
- (5) Proceedings Confidential. Proceedings of settlement conferences shall, in all respects, be confidential and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the Court may, at its discretion, and with the consent of the parties, order any agreement to be placed on the record.
- (6) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion in regard to any matters left unresolved after the settlement conference.
- (7) Efforts for Resolution and Certification of Settlement Attempt. Prior to the settlement conference, the parties shall make a good faith effort to resolve the case. It is not a violation of this provision for a party to refuse to settle a case.
  - (A) Prior to the settlement conference, at least one party shall file certification that they contacted the opposing party and attempted to engage in good faith settlement discussions.
    - (i) This requirement is waived in instances where a protective order prevents unrepresented parties from contacting one another directly.
    - (ii) The parties should use the “Certification of Settlement Attempt” form available on the court website for purposes of filing certification. [See Local Court Rule Form Exhibit P].
    - (iii) The certification must be filed no sooner than 30 days prior to the



~~date of the mandatory settlement conference. later than the deadline for Mandatory Confirmations set out in KCLCR 16(a)(3).~~

- (iv) Failure to timely submit certification may result in the settlement conference being stricken and ~~requiring the request to be re-noted~~scheduled for a later date.
- (B) Where applicable, attorneys shall certify that they have properly prepared clients to engage in serious, good faith negotiations at the settlement conference, up to and including the development of a specific settlement position in advance of the settlement conference.
- (C) The requirements of this section may be waived for good cause upon motion of a party.
- (8) Failure to confirm the settlement conference and/or to provide a settlement conference memorandum as required in this rule may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference.
- (9) Failure to comply with these rules resulting in the resetting of the settlement conference may result in the imposition of terms and/or sanctions as the Court may deem appropriate.

**(b) Trial Preparation (civil-non-domestic).**

- (1) Exchange of Exhibit and Witness Lists. Pursuant to the case event schedule, the parties shall exchange: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits except those to be used only for illustrative purposes, and except for those items agreed to by counsel and self-represented parties, such as identical copies of items already produced to avoid unnecessary duplication. Counsel and self-represented parties are encouraged to ascertain that each has full and complete copies of any document to be presented at trial to avoid unnecessary duplication expenses. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties prior to the start of trial. Any witness or exhibit not listed shall not be used at trial, unless the court orders otherwise for good cause and subject to such conditions as justice requires. Copies of the actual exhibits should not be filed and should be presented at the time of the trial before the Court.
- (2) Joint Statement of Evidence. Pursuant to the case event schedule, the parties shall file a Joint Statement of Evidence consisting of (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party

for each exhibit as to whether all parties agree as to the exhibit's authenticity and admissibility.

*Amended September 1, 2011; September 1, 2012; amended, effective September 1, 2014; amended, effective September 1, 2021; amended, effective September 1, 2023; amended, effective September 1, 2025.*

Official Comment:

For rules governing settlement conferences in domestic relations matters see KCLFLR 6 and 9.

## VI. TRIALS

## KCLCR 40 ASSIGNMENT OF CASES

## (b) Methods.

(1) Trial Setting.

- (A) Note for Trial Setting. Any party desiring to obtain a trial date may note the matter on the trial setting calendar using the Note for Trial Setting (Exhibit A) after all named parties have been served.

The moving party must identify all counsel and/or parties and their mailing addresses. Personal appearance by counsel is not necessary. Settings will be done administratively and the Court shall mail a default case event schedule that contains all case events and deadlines listed herein and the trial date to all parties listed on the Note for Trial Setting. If a dispute arises over a setting, the matter shall be heard on the civil motion calendar in accordance with KCLCR 77(k).

Alternatively, a party may note a motion to set a trial date on the civil motions docket at any time. At said hearing, the Court will set a trial date and (absent good cause) a settlement conference date and the Court may set deadlines for effecting service upon unserved parties and may compel the filing of answers by parties against whom relief is sought. The Court may order the striking of pleadings of parties who/which do not comply with such orders.

After a trial date has been set, if all parties can agree upon a case schedule which includes all case events listed herein, the parties may file the agreed case schedule in place of the Court's default case event schedule. If the parties do not file a case event schedule within 60 days of the announcement of the trial date, the Court's default schedule shall prevail.

A party must file and serve a jury demand on or before the time of trial setting or the right to a jury trial will be waived. A party who/which has not appeared at the time of trial setting must file and serve a jury demand within sixty (60) days of service of the initial pleadings or the right to a jury trial will be waived.

All telephone communications regarding trial settings, special motion settings, and scheduling should initially be with the Court Scheduler at **(360) 337-7008**.

- (B) Visiting Judge Required. The Court shall be notified at the time of trial setting if an attorney practicing in Kitsap County is a party or a witness in any matter before the Court or of any other matter needing a visiting judge.

- (2) Mental Illness Hearings. Mental illness hearings will be set through the Court Scheduler.



(3) Standby Calendar. In the event that a case cannot be heard on the date set for trial it will be held on a standby calendar and counsel will be given a minimum of two hours' notice for trial.

(A) Notification. The Court Scheduler shall contact the parties to advise them of the standby status of their case.

(B) Standby Calendar at Counsel Request. A standby calendar at the parties' request may be created with the following conditions and addressed to the Court Scheduler.

- (i) *Trial - Kitsap County Superior Court.* If an attorney is in another trial in Kitsap County Superior Court.
- (ii) *Trial - Other Courts.* If an attorney has a conflict with another Superior Court, Appellate Court, or Federal Court, with the approval of the Presiding Judge.
- (iii) *Emergency.* If an illness or other emergency situation arises involving the litigants, witnesses, or lawyers, with the approval of the Presiding Judge.
- (iv) *Other Requests.* Any other request must be made to the Presiding Judge.
- (v) *Pending Settlement.* Cases pending settlement will not be placed on standby at counsel's request, but may be reset.

(4) Notice to Court of Calendar and Jury Trial Changes. Whenever a cause has been set for trial and thereafter is settled or will not be tried for any reason, or if a jury is thereafter waived, notice shall immediately be given to the Court Scheduler.

(5) Case Management. A Note For Trial Setting filed pursuant to section (1)(A) above, shall designate that the case falls within one of the following categories:

Track I	Standard/General Civil Litigation
Track II	Complex Litigation
Track III	Domestic Relations

Once designated, counsel shall comply with the tracking procedures set forth below.

(A) Track I - Standard/General Civil Litigation.

- (i) *Scope.* Except as otherwise provided in these rules or as otherwise ordered by the Court, this rule shall apply to all civil cases except:
  - Adoptions;
  - Domestic violence;
  - Civil harassment;
  - URESA cases;
  - Juvenile proceedings;



- Paternities;
  - Minor Settlements;
  - Probates;
  - Guardianships;
  - Unlawful Detainers;
  - Reviews of administrative agency actions;
  - Appeals from courts of limited jurisdiction;
  - Foreign judgments;
  - Petitions for writs of mandamus, restitution, etc.;
  - Civil commitments; and
  - Proceedings under RCW 70.96A.
- (ii) *Preassignment and Case Schedule.* At the time a matter is noted for trial setting, the Court shall randomly preassign a department of the Superior Court to hear the case. The Court shall enter an Order Setting Trial Date and a Civil Case Event Schedule.
- (iii) *Amendment of Order Setting Case Event Schedule.* Upon motion of any party or the Court, and upon good cause shown, the preassigned judge may modify any date in the original Order Setting Trial Date and Civil Case Event Schedule. Copies of said amended order shall be filed and served upon all parties.
- (iv) *Additional Parties.* A party who joins an additional party in an action shall be responsible for serving the additional party with the current Order Setting Trial Date and Civil Case Event Schedule together with the first pleading served on the additional party.
- (v) *Time Intervals for Case Event Schedule.* Except as otherwise provided in the rules, or as otherwise ordered by the Court pursuant to section (A)(iii) above, the parties and counsel shall comply with the case event schedule, which shall include at minimum

<b>EVENT:</b>	<b>DEADLINE:</b>
Disclosure of Possible Primary Witnesses	240 days before trial date
Disclosure of Possible Additional Witnesses	150 days before trial date
Discovery Cutoff	120 days before trial date
Mandatory Settlement Conference	90 days before trial date
Last day to hear Dispositive Pretrial Motions	60 days before trial date
Exchange of Witness and Exhibit Lists	20 days before trial date
Joint Statement of the Evidence	7 days before trial date

**EVENT:**

Filing of Trial Briefs  
Trial Date

**DEADLINE:**

5 days before trial date

*Comment:* These dates will be set forth in the Civil Case Event Schedule.

- (vi) *Enforcement.* The Court on its own initiative, or on motion of a party, may order an attorney or party to show cause as to why sanctions or terms should not be imposed for failure to comply with the case schedule established by these rules. If the Court finds that an attorney or party has failed to comply with the case schedule 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 comply, 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 comply; “monetary sanctions” means a financial penalty payable to the Court, and “other sanctions” includes, but is not limited to, the exclusion of evidence and other sanctions available pursuant to the Civil Rules and Local Court Rules.
- (vii) *Discovery Cutoff.* Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under Civil Rules 26-37, including responses and supplements thereto, must be completed no later than the date specified in the Civil Case Event Schedule. Discovery requests must be served early enough that responses will be due and depositions will have been taken prior to the cutoff date. Nothing in this rule shall modify a party’s responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff, nor shall a party be prevented from seeking relief under CR 37 after the cutoff date for discovery properly sought in accordance with this rule.
- (viii) *Dispositive Pretrial Motions.* No hearings on dispositive pretrial motions shall be heard by the Court after the cutoff date specified in the Civil Case Event Schedule, except upon good cause shown and upon such terms and conditions as the Court may deem just, including assessment of terms and sanctions.
- (ix) *Settlement Conference.* Reserved [See KCLCR 16(a).]

(B) Track II - Complex Litigation.

- (i) *Leave of Court Required.* Assignment to Track II requires court approval. A request for assignment to Civil Track II may be made by filing and noting the motion on the Presiding Judge’s departmental

calendar. Where the Court determines that a decision can be made based upon the pleadings of the parties and without oral argument, the Court will strike the hearing noted by the moving party and notify the parties of its decision. The Court may place a case on Track II on its own motion at any time.

- (ii) *Scope.* The following factors shall be weighed in determining whether a case will be placed on Track II:
  - Nature of subject matter;
  - Degree of complexity;
  - Amount in controversy;
  - Number of attorneys/parties involved; and
  - Length of trial.
- (iii) *Preassignment and Case Schedule.* The Presiding Judge will accept or deny a request submitted pursuant to section (B)(i) above and notify parties. A department of the Superior Court shall be preassigned to hear the case.
- (iv) *Management conference.* A case must be at issue at the time of the initial management conference. The initial management conference shall be held within 60 days of acceptance into Track II, at which conference the following shall occur:
  - Assignment of a trial date;
  - Parties submit case management schedule approved by the Court; and
  - Assignment of a date for the mandatory settlement conference.
- (v) *Amendment of Order Setting Case Schedule.* Upon written motion of any party or the Court, and upon good cause shown, the preassigned judge may modify any date in an order entered pursuant to section (B)(iii) above. Copies of said amended order shall be filed and served upon all parties.
- (vii) *Cases under the Land Use Petition Act, RCW 36.70C.* When a land use petition (pursuant to RCW 36.70C) is filed with the Kitsap County Superior Court, all such cases shall be treated as Track II complex litigation and in accordance with the following procedures:

*Pre-Assignment to a Superior Court Judge.* Land Use Petition Act cases shall be assigned to a superior court judge, who shall hear and decide all matters in the case.

*Notice of Land Use Petition.* Within 7 days of the filing of a petition under the Land Use Petition Act, RCW 36.70C, the petitioner shall provide written notice of the filed petition to the Kitsap County Court Scheduler, identify it as a Land Use Petition Act case, and ask



that the case be assigned to a judge. The Court Scheduler will note an initial hearing before the assigned judge.

*Initial Hearing.* A scheduling order setting the dates for filing the record, submitting briefs, and hearings will be issued at or shortly after the initial hearing. The parties should attempt to determine a mutually agreed upon scheduling order prior to the initial hearing. The parties may waive the initial hearing by filing a stipulated order resolving jurisdictional and procedural issues raised by the petition and setting a schedule for briefing, filing the record and transcripts and a hearing on the merits. Prior to filing a stipulated scheduling order, the petitioner shall contact the Court Scheduler to obtain a tentative date for the merits hearing.

*Preparation of Administrative Record.* Copies of the administrative record shall be provided to all parties. A bench copy of the record with an index and document identification tabs shall be provided to the assigned judge. A copy of the administrative record without side tabs shall be filed with the Superior Court Clerk for the court file.

*Preparation of Transcripts.* Verbatim transcripts shall be prepared by a certified court reporter and submitted to all parties for a period of seven days for correction of errors prior to filing.

*Briefs.* The petitioner shall have at least 30 days after the record and verbatim transcripts are filed to file and serve its brief. Respondent's brief shall be filed and served 30 days following filing and service of the petitioner's brief. Petitioner shall have an additional 14 days for filing a service of a reply brief. Reply briefs are in strict reply only. If a reply brief raises new issues, respondent may respond to those issues. In all statements of fact, briefs shall contain citations to the administrative record and the transcripts. Citations to the administrative record and the transcripts shall be denoted "AR" and "HR [date]," respectively, plus a page number.



*Hearing on the Merits.* Unless otherwise granted at the initial hearing, the Land Use Petition Act hearing on the merits shall be scheduled for one (1) day. The assigned judge shall take the first half of the day for reviewing the record, transcripts and briefs. The assigned judge will determine the amount of time granted for argument on the merits.

*Related Matters.* If a LUPA petition is consolidated with another claim, such as a damage action, the case may be bifurcated on stipulation of the parties or pursuant to motion. If the related matter is not bifurcated and entails a trial, a note for trial setting shall not be filed until after the record and transcripts are filed and served.

(C) TRACK III - Domestic Relations. [See KCFLR 98]

*Amended September 1, 1997; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2010; September 1, 2011; September 1, 2012; September 1, 2014; amended, effective September 1, 2015; amended on an emergency basis, November 19, 2019, effective December 1, 2019; amended, effective September 1, 2020; amended on emergency basis December 19, 2023, effective January 1, 2024; amended on emergency basis March 23, 2024, effective April 1, 2024; amended on emergency basis June 26, 2024, effective July 1, 2024; Amended, effective September 1, 2024; amended, effective September 1, 2025.*

Official Comment:

Parties are advised to consult the Land Use Petition Act statute for further procedural rules that apply in these proceedings. See RCW 36.70C.

## **KCLCR 51 INSTRUCTIONS TO JURY AND DELIBERATION**

### **(b) Submission.**

(1) Filing. Instructions shall be served and filed by 9:00 a.m. of the first day of trial.

(2) Assembling and Distribution. Jury instructions shall be assembled and distributed as follows:

(A) One set to trial judge to be unnumbered without citations.

(B) One set numbered and with supporting citations to each of the following:

- Clerk of Court for file;
- Judge for work copy; and
- Counsel for each opposing party

(C) One set containing unnumbered instructions without citations submitted electronically ~~on CD or~~ by email attachment (to the address provided by staff attorney assigned to the trial judge). The jury instructions should be in Microsoft Word format.

(D) Jury instructions shall comply with the following formatting requirements:

- Formatted for 8-1/2" x 11" paper;
- One-inch margins on all sides, except for verdict form which should have a three-inch top margin on the first page;
- Set for double-spacing; and
- Arial Font, 14-point font size.

(d) **Published Instructions.** Washington Pattern Jury Instructions are to be cited. On the copy of proposed jury instructions delivered to the trial court, the Clerk of Court, and opposing counsel, those Washington Pattern Jury Instructions proposed shall be so identified by WPI number. If the WPI is changed or modified in any way (except for the selection of alternate WPI wording), the citation shall include the word "modified." Modifications shall be identified on the numbered sets.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2025.*

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**X. SUPERIOR****COURTS AND CLERKS****KCLCR 77            — SUPERIOR COURTS****AND JUDICIAL OFFICERS**

- (d) **Superior Court Always Open.** [Rescinded].
- (f) **Sessions.** There shall be one continuous session of Court from January 1 through December 31 of each year.
- (k) **Motion Day - Local Rules.**
  - (1) Departmental Matters. Departmental matters will be heard on Fridays at 1:30 p.m.
  - (2) Civil Matters. Probate, guardianship and civil motions (except Civil Rule 56 motions) in cases which are not preassigned to a specific judge will be heard on Friday at 9:00 a.m. Civil matters in cases which have been preassigned shall be heard on that judge's departmental calendar on Fridays at 1:30 p.m.
    - (A) In cases related to debt collections and foreclosure actions, Civil Rule 56 motions will be heard on Friday at 9:00 a.m.
    - (B) Motions pursuant to Civil Rule 56 in cases not solely related to debt collections or foreclosure actions should be noted for Friday at 1:30 p.m. on the "Summary Judgment" calendar. No specific judge should be named in the Note for Motion Docket.
    - (C) In cases other than those related to debt collections, upon filing of a Civil Rule 56 motion, the Superior Court will issue an order of preassignment to a specific judge. The Civil Rule 56 motions will be heard on the assigned judge's Friday departmental calendar at 1:30 p.m. If the matter is noted for the Trial Setting Docket, a case event schedule will issue.
    - (D) For purposes of KCLCR 77(k)(2), "debt collections" refer to



cases where:

- (i) The Complaint requests relief only in the form of a sum certain monetary judgment, with attorney fees, costs, and interest, where applicable; and,
  - (ii) The relief requested in the Complaint is alleged to have been incurred pursuant to a contract between the parties; and,
  - (iii) The Defendant(s) has not raised any Counterclaims.
  - (iv) Examples of debt collections cases under this rule include, but are not limited to: actions seeking monetary judgments based on debt alleged to have been incurred pursuant to a credit card, line of credit, or Promissory Note.
- (E) The purposes of KCLCR 77(k)(2) are to keep lengthy, substantive summary judgment motions off of the civil motions calendar; to ensure such motions receive sufficient review and oral argument before a decision is made; and, to ensure that once a judge has become sufficiently familiar with a case to decide a summary judgment motion, the case will stay with that judge until its final resolution to conserve judicial resources. Counsel should consider these purposes in determining where to note motions for summary judgment.

- (3) Criminal Matters. The Criminal Motion Schedule shall be as follows:

DAILY	9:00	Criminal In Custody Calendars
	10:30	Criminal Out of Custody Calendars
	3:00	Criminal Arraignment Calendars
FRIDAY	9:00	Criminal In Custody Calendars
	11:00	Criminal After Sentencing/Restitution Calendar
	3:00	Criminal Arraignment Calendars

- (4) Ex Parte Matters. Noncriminal ex parte matters shall be heard Monday through Friday at 8:30 a.m.; and, Monday,



Thursday and Friday at 3:30 p.m. [See KCLCR 77(k)(10)(C)]

(5) Domestic Relations Matters.

(A) ~~(B)~~ Settlement Conferences. Settlement conferences are heard Mondays through Wednesdays at 1:30 p.m. and Thursdays at 9:00 a.m., or such other times as set by the Court. [See KCLCR 16(a)(1).]

(B) ~~(C)~~ Trial Continuances. Matters for continuances in domestic relations cases shall be made in writing to be heard by the Domestic Relations Presiding Judge. Requests to continue a trial in domestic relations cases shall be made in writing, to be heard by the Domestic Relations Presiding Judge on the Domestic Relations Presiding Judge's Departmental Calendar.

(C) Pro Se Dissolutions. All pro se dissolutions will be heard at 1:30 p.m. on **KCLCR 77**

Wednesday.

(D) Domestic Violence. Domestic violence matters will be heard at 8:30 a.m. on Thursday.

(E) Domestic Relations. ~~Temporary Relief.~~ Domestic motions for dissolution proceedings, committed intimate relationships, modifications of parenting plans involving parties that were previously married, and relocation matters involving parties that were previously married, shall be heard on Fridays at 9:00 a.m.

(F) Child Support Modification. All child support modifications, including applications for post-secondary support, shall be heard by affidavit on Tuesday at 3:00 p.m. as set by the Court Scheduler. Each side shall be limited to 10 minutes. Arguments requiring greater than 10 minutes per side shall be specially set by the Court Scheduler upon application of a party. [See KCLCR 77(k)(10).]

(G) Adoptions. Any adoptions requiring notice, including pro se adoptions, will be heard on Tuesday at **3:30 p.m.**  
~~p.m. 11:00 a.m.~~ All other adoptions may be heard on any Ex Parte Calendar except Friday. [See KCLSPR 93.04.]

(H) Parentage and State Child Support Calendar. The Parentage Calendar, including State of Washington- initiated actions to establish or modify child support, **Parenting Plan/Residential Schedule actions with parents who have never been married,** or to establish parentages, shall be heard on Tuesday at 9:00 a.m. All

other motions to modify child support shall be heard in accordance with KCLFLR 77(k)(5)(F).

- (i) All matters noted on the Parentage calendar must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one business day before hearings, but no earlier than two business days before hearings.
  - (ii) Motions which are administratively continued must be confirmed by the moving party in order to be heard.
  - (iii) Matters not confirmed may be heard only at the discretion of the Court. [See KCLCR 16(a)(3) (confirmation of settlement conferences).]
- (I) State Civil Contempt Calendar. State of Washington-initiated child support, civil contempt cases shall be heard on Thursday at 1:30 p.m.
- (6) Guardianship Delinquency Matters. Guardianship delinquency matters shall be heard at 10:00 a.m. the first Friday of each month.
  - (7) Minor Guardianship Matters. Minor Guardianship matters shall be heard at 1:30 p.m. on Tuesday.
  - (8) Trial Settings. Trial setting dockets shall be Friday at 9:00 a.m. [See KCLCR 40(b)(1)(A).]
  - (9) Minor Settlements. Petitions for settlement of the claims of minors shall be heard on Friday at 9:00 a.m. on the Probate Motions Calendar, except cases which are preassigned shall be heard on that judge's departmental calendar on Friday at 1:30 p.m. [See KCLSPR 98.16.]
  - (10) Special Settings. Any hearing requiring special setting shall be arranged through the Court Scheduler. A hearing may be specially set for the following reasons, by way of example only: length of argument; nature of the hearing; or need for a visiting judge. Special set hearings must be confirmed as required by KCLCR 77(k)(10)(A).
  - (11) Hearing of Motions.
    - (A) Mandatory Confirmations.
      - (i) All motions pursuant to CR 12(b)(6) and CR 56 must be

confirmed in person, by telephoning the Superior Court office at (360) 337- 7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon two days before hearings, but no earlier than three business days in advance. Motions which are administratively continued must be confirmed by the moving party in order to be heard.

- (ii) The Court does not require confirmation of unlawful detainer actions filed under RCW Title 59 or Minor Guardianship actions filed under RCW 11.130.
- (iii) All domestic relations and parentage matters, including Orders to Show Cause and Presentation of Orders, must be confirmed pursuant to (v) below.
- (iv) All other civil, domestic relations, probate, adoptions and departmental motions which are not covered by, or exempt from confirmation under sections (i), (ii), or (iii) must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one business day before hearings, but no earlier than two business days in advance.
- (v) Matters not confirmed may be heard only at the discretion of the Court. [See KCLCR 16(a)(3) (confirmation of settlement conferences).]

(B) Hearing of Calendars.

- (i) *Calling of Calendar.* The causes on the Civil Calendar and Domestic Relations Calendar for each motion day will be called in order, oldest causes first.
- (ii) *Noting of Tuesday morning Parentage and Friday Morning Domestic Relations Calendar Matters.* Notes for Tuesday morning Parentage calendars and Friday morning Domestic Relations motion calendars, including any special set matters under KCLCR 77(k)(9), shall be filed in the office of the Clerk of Court by 4:30 p.m. at least fourteen (14) calendar days before the hearing, simultaneous with a Motion and Notice of Hearing and any supporting pleadings, unless it is a re-note of a motion or a notice for hearing previously filed, in which event only the Note for hearing shall be filed. Notes



should be substantially in the form found in Exhibit E. *Noting of All Other Calendar Matters.* Notes for all other motion calendars shall be filed in the office of the Clerk of Court by 4:30

p.m. at least five (5) calendar days before the hearing, simultaneous with a Motion and Notice of Hearing and any supporting pleadings, unless it is a re-note of a motion or a notice for hearing previously filed, in which event only the Note for hearing shall be filed. Notes should be substantially in the form found in Exhibit E.

- (iii) *Failure of Party to Appear.* If no one appears in opposition to a duly noted motion, the Court may grant the relief requested upon proper proof of notice. If no one appears for a motion, it will be stricken.
- (iv) *Continuances of Motions.* Counsel, by agreement, may continue any noncriminal motion by filing a notice of continuance, signed by at least one attorney. Forms are available in the courtroom. *See* Exhibit F. Criminal motions shall be continued only with the consent of the Criminal Motions Judge. Continuances shall not be granted by telephone. Summary judgment motions which have been confirmed shall not be continued without the Civil Calendar or preassigned judge's approval.

A party who has noted a matter for hearing may unilaterally strike or re-note the hearing for a new date, except that once confirmed the hearing may be stricken or re-noted only with prior notice to the other parties.

- (v) *Time Allowed for Argument.* Each side shall be limited to 10 minutes. Argument requiring more than 20 minutes total time may be placed by the judge or court commissioner at the end of the calendar.

If the Court desires to hear further arguments



after expiration of 20 minutes, the matter may be placed in order at the end of the calendar for further argument or continued to a specified date.

(C) Hearing of Ex Parte Matters.

- (i) *Scope.* This rule applies to all temporary restraining orders, orders to show cause, and all other ex parte matters. It includes all criminal matters except dismissal at end of probation.
- (ii) *Notice to Opposing Counsel or Party.* Unless notice is specifically excluded by statute or local rule, or on an articulated emergency, no ex parte order shall be presented without notice to opposing counsel or opposing party if appearing without counsel. If counsel for any party, or a party, has appeared either formally or informally, notice is required. If necessary, notice may be by telephone. This rule applies regardless of whether service is required on the attorney or a party pursuant to CR 5(b)(4).
- (iii) Notwithstanding (ii), above, without notice or oral argument, a party may move for an order to show cause in unlawful detainer cases.
- (iv) *Reapplication for Order. Reserved.*  
[See KCLCR 7(b)(1)(C) (reapplication for order).]
- (iii) [Rescinded].

*Amended September 1, 1996; September 1, 1997; September 1, 1998; July 1, 1999; September 1, 2002; September 1, 2005; amended on an emergency basis effective April 1, 2006; amended on a permanent basis effective September 1, 2006; amended effective September 1, 2007; amended on an emergency basis effective January 18, 2008; amended on a permanent basis effective September 1, 2008; amended effective September 1, 2009; September 1, 2011; September 1, 2012; amended on an emergency basis effective October 1, 2012; September 1, 2013; amended on an emergency basis, effective November 1, 2013, January 22, 2014; April 21, 2014; amended, effective September 1, 2014; amended, effective September 1, 2016; amended, effective September 1, 2017; amended, effective September 1, 2018; amended, effective September 1, 2020;*

*amended by emergency order December 15, 2020, effective January 1, 2021; amended by emergency order March 1, 2021, effective April 1, 2021; amended by emergency order June 25, 2021, effective July 1, 2021; amended, effective September 1, 2021; amended, effective September 1, 2022; amended, effective September 1, 2023; amended by emergency order August 24, 2024, effective October 1, 2023; amended by emergency order December 19, 2023, effective January 1, 2024; amended by emergency order March 23, 2024, effective April 1, 2024; amended by emergency order June 18, 2024, effective July 1, 2024; amended, effective September 1, 2024; amended, effective September 1, 2025.*

## KCLFLR 2 FAMILY LAW MOTION PRACTICE

The following shall apply to all contested motions in which relief is sought in parentage, parenting plan, divorce, modifications (exclusive of support mods), and committed intimate relationship actions. Motions shall be heard in accordance with KCLCR 77(k)(11)(B).<sup>2</sup>

- (a) **Responsive Affidavits.** Responsive affidavits shall be served and filed no later than 4:30 p.m. to the court and 5:00 p.m. to opposing counsel/party three business days before the hearing.
- (b) **Reply Affidavits.** Reply affidavit shall be provided to opposing counsel/party no later than 5:00 p.m. one business day before the hearing. Reply affidavits may be filed with the court no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages, including any attachments or exhibits, and shall be in strict reply to the responsive affidavit.
- (c) **Exhibits and Worksheets.** Mandatory financial declarations and support worksheets as required by RCW 26.09 shall be filed whenever financial matters are at issue. [See KCLCR 77(k)(5).]

- (d) **Evaluations.** Unless otherwise ordered by the Court, any domestic violence or substance abuse evaluation submitted by a party in support of a motion or response to a motion or pursuant to a court order shall contain the following: A statement from the evaluator that (1) the evaluator has interviewed the opposing party and any other relevant collateral contacts; (2) the evaluator has reviewed the criminal history of the party being evaluated; (3) the evaluator has reviewed any petitions for domestic violence protection orders where the party being evaluated is the respondent; and (4) the evaluator has reviewed all probable cause statements for any domestic violence and alcohol related criminal cases where the party being evaluated is or was the defendant.

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*Adopted June 21, 2011; effective September 1, 2011; amended effective September 1, 2013; amended, effective September 1, 2017; amended, effective September 1, 2021; amended, effective September 1, 2022; amended, effective September 1, 2024; amended, effective September 1, 2025.*

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## KCLFLR 6 MANDATORY SETTLEMENT CONFERENCES

- (a) **Mandatory Settlement Conferences.** In each dissolution, declaration of invalidity, or legal separation, counsel and the parties shall participate in a settlement conference presided over by a judge, court commissioner, or court approved pro tem judicial officer. This requirement may be waived if the parties file proof of each party's participation in a formal mediation.
- (1) The mediator may not have an interest in the case's outcome and may not be related to a party, and the mediator must be:
    - (A) an attorney licensed to practice before the courts of this state having at least five years of experience in the primary subject matter of the action;
    - (B) an individual, who may be an attorney, with special skill or training in the subject matter of this action (e.g. administration of trusts and estates); or,
    - (C) an individual, who may be an attorney, with special skill or training as a mediator; or,
    - (D) a retired Washington State Superior Court judge or commissioner.
  - (2) Engagement with the dispute resolution center does not waive the requirement for participation in a settlement conference with a judicial officer.
- (b) Prior to attending a settlement conference, at least one party shall file certification that they contacted the opposing party and attempted to engage in good faith settlement discussions.
- (1) This requirement is waived in instances where a protective order prevents unrepresented parties from contacting one another directly. In such case, the parties shall advise the court in their certification that no attempt was made due to the existence of a protection order.
  - (2) The parties may include this certification as part of the "Note for Settlement Conference or Support Modification Hearing and Trial Setting" [See Local Court Rule Form Exhibit C] or may use the "Certification of Settlement Attempt" form [See Local Court Rule Form Exhibit P].
  - (3) The certification must be filed no sooner than 30 days prior to the date of the mandatory settlement conference. ~~later than the deadline for Mandatory Confirmations set out in KCLFLR 6(e).~~
  - (4) Failure to file a certification of a settlement attempt may result in the settlement conference being stricken and requiring the request to be re-noted. ~~scheduled at a later date at the discretion of the settlement conference judge.~~



- (c) **Attendance and Preparation Required.** No later than noon the day prior to a settlement conference that has been scheduled pursuant to section (a), each party shall have submitted to the other party and the Court a completed settlement conference memorandum and a completed “Domestic Relations Form” in the form of Exhibit G. The attorneys shall come prepared to discuss in detail and in good faith all unresolved issues in the case and, in addition, all pretrial matters if the case is not settled.
- (1) Failure to Serve Settlement Conference Memorandum and “Domestic Relations Form”/Exhibit G. Failure to serve a completed settlement conference memorandum and a “Domestic Relations Form” in the form of Exhibit G and/or an equivalent upon the other parties and provide the original for the settlement conference judge, as required, may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference on the Court’s next available date.
- (d) **Mandatory Confirmations.** All settlement conferences must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at [supcourtconfirm@kitsap.gov](mailto:supcourtconfirm@kitsap.gov) no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance. Failure to confirm may result in the imposition of terms and/or sanctions as the Court may deem appropriate.
- (e) **Judge Disqualified at Trial.** A judge presiding over a settlement conference shall be disqualified from acting as the trial judge or exercising discretion on any matters left unresolved after the settlement conference.

*Adopted, effective September 1, 2011; amended September 1, 2012; September 1, 2013; amended, effective September 1, 2021; amended, effective September 1, 2023; amended, effective September 1, 2024, amended, effective September 1, 2025.*

## KCLFLR 9 CASE PROGRESSION

- (a) **Note for Settlement Conference and Trial Setting.** Within 90 days of the case at issue, Petitioner or Respondent shall file a Note for Settlement Conference & Trial Setting - Domestic Relations (as set forth in Exhibit C).
- (b) **Settlement conference.** A mandatory settlement conference shall be set within ~~45~~ 120 days of the date noted for trial setting. Settlement conferences are mandatory and shall be confirmed before 12:00 noon the day before such conference is scheduled. [See KCFLR 6.]
- (c) **Assignment of Trial Date.** If the case is not settled at settlement conference, the Court will assign a trial date, not more than 120 days from the date of the settlement conference. Exceptions shall be addressed to the settlement conference judge.
- (d) **Change of Trial or Hearing Date.** Upon written stipulation of the parties, or upon motion of party, the Court may order a change or continuance of the trial date, special set hearing, support modification hearing, or settlement conference date.
- (e) **Support Modifications.** In matters wherein child support modification is the only relief sought, requests for modification will be heard by affidavit, 10 minutes per side for argument unless the Court requests additional affidavits or an order authorizing oral testimony is granted. Petitioner's affidavit shall be submitted not later than 14 days before the hearing. Respondent's affidavit shall be submitted not later than seven days before the hearing. ~~The reply affidavit shall be submitted not later than 12:00 noon the day before the hearing.~~ Reply affidavits shall be provided to opposing counsel/party no later than 5:00 p.m. one business day before the hearing. Reply affidavits may be filed with the court and provided as a bench copy no later than the day of the hearing. Settlement conferences are not required for support modifications.

*Adopted June 21, 2011; effective September 1, 2011; amended, effective September 1, 2013; amended, effective September 1, 2017; amended, effective September 1, 2025.*

### **KCLFLR 13 PRESENTATION OF TEMPORARY ORDERS AND FINAL PLEADINGS IN FAMILY LAW CASES**

Draft temporary and final orders following a Court ruling shall be delivered to the Court and to the opposing party no later than 4:30 p.m. ~~noon~~ five days prior to the scheduled hearing on presentation. Opposing parties who object to any provision of the draft documents as being inconsistent with the Court's ruling must file written objections by 4:30 p.m. ~~noon~~ two days prior to the hearing. Objections must include the proposed orders as an attachment, specifically identify the objectionable provisions, and shall offer alternative language. Presentation hearings shall be held on the judicial officer's departmental calendar Friday at 1:30 p.m., unless otherwise ordered.

*Adopted, effective September 1, 2017; amended, effective September 1, 2024; amended, effective September 1, 2025.*



## KCLCAR 8.1 STIPULATIONS

- (b) **To Arbitrate Other Cases - Stipulations - Effect on Relief Granted.** If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a judge. This shall not be construed as providing compensation to the arbitrator per KCLCAR 8.6.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021; amended, effective September 1, 2025.*

## KCLCAR 8.4 TITLE AND CITATION

These rules are known and cited as the Kitsap County Superior Court Civil Arbitration Rules. LCAR is the official abbreviation.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2021.*

## KCLCAR 8.6 COMPENSATION OF ARBITRATOR

- (a) **Generally.** Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the Superior Court; provided, the compensation shall not exceed \$1,~~50~~000.00 for any case without approval of the Presiding Judge.
- (b) **Form.** When the award is filed, the arbitrator shall submit to the Superior Court office a request for payment on a form prescribed by the Court. The Presiding Judge shall determine the amount of compensation to be paid. Compensation under this rule is limited to arbitrators appointed under Chapter 7.06 RCW (Mandatory Arbitration). See KCLCAR 1.1 and 1.2.

*Amended June 21, 2011; effective September 1, 2011; amended, effective September 1, 2013; amended, effective September 1, 2018; amended, effective September 1, 2021; amended, effective September 1, 2025.*

#### 4. PROCEDURES PRIOR TO TRIAL

##### KCLCrR 4.2 PLEAS

- (e) A change of plea hearing must be special set through the Court Scheduler where either:
  - 1. A defendant will plead guilty in three or more cases at the same time; or,
  - 2. A defendant will plead guilty in two or more cases and requires an interpreter.
- (h) A court commissioner authorized by Article 4, Section 23 of the Constitution of the State of Washington may accept pleas of adult criminal defendants in accordance with CrR 4.2.

*Amended June 21, 2011; effective September 1, 2011; amended on emergency basis, effective September 1, 2024; amended on emergency basis, effective December 1, 2024; amended on emergency basis, effective March 1, 2025; amended on an emergency basis, effective June 1, 2025; amended, effective September 1, 2025.*

**KCLCrR 7.8. Relief from Judgment or Order**

**(c) Procedure on Vacation of Judgment**

- (1) Upon receipt of a motion collaterally attacking a judgment or sentence, the clerk shall forward a copy to the criminal motions judge and the prosecuting attorney.
- (2) If the defendant or counsel have set the matter for hearing, the clerk shall strike the hearing and notify the parties that the matter is being addressed as provided in this rule.
- (3) The motion will be reviewed by the criminal motions judge, but in the discretion of the court, that judge may refer the motion to the judge who tried the case for review.
- (4) The reviewing judge shall review the motion ex parte, pursuant to CrR 7.8(c)(2), and unless the motion satisfies the requirements of that provision, transfer the motion to the Court of Appeals.
- (5) If the court does not transfer the motion to the Court of Appeals, it shall order the prosecuting attorney to file a response to the motion within 30 days. The response may argue why the motion should have been transferred to the Court of Appeals.
- (6) Upon receipt of the State's response, the court shall set a status hearing with notice to the parties. At that hearing the court may order an evidentiary hearing, a further status hearing, or a hearing for argument on the merits.

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*Adopted, effective September 1, 2025.*