

KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON

IN THE MATTER OF THE SUGGESTED NEW
LOCAL RULE LGR 30.1 – ELECTRONIC FILING
AND SERVICE

No. 2021-1
ORDER ADOPTING LGR 30.1

1. BASIS

The Kitsap County District Court, having recommended the adoption of the suggested new local rule LGR 30.1 – Electronic Filing and Service, and pursuant to GR 7(b) having distributed the proposal on May 14, 2021 and allowing at least 30 days for comment and the comment period having closed, and having received no comments during the comment period, and the Court having considered the suggested new local rule, and having determined that the suggested new local rule will aid in the prompt and orderly administration of justice.

NOW, THEREFORE, it is hereby –

2. ORDER

ORDERED that the suggested new local rule as attached hereto is adopted pursuant to GR 7(b)(3).

DATED at Port Orchard, Washington this 23rd day of June, 2021.

/s/ Signed Electronically

CLAIRE A. BRADLEY, Presiding Judge

/s/ Signed Electronically

KEVIN P. KELLY, Assistant Presiding Judge

/s/ Signed Electronically

MARILYN G. PAJA, Judge

/s/ Signed Electronically

JEFFREY J. JAHNS, Judge

[Note – Use of an electronic signature is an acceptable means for any Washington judicial officer or clerk to sign any document requiring a judicial or clerk signature.]

KITSAP COUNTY DISTRICT COURT

LOCAL COURT RULES – GENERAL

PROPOSED LGR 30.1 ELECTRONIC FILING AND SERVICE

(a) **Electronic Filing.**

- (1) Effective June 1, 2022, 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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

- (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.
- (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]