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Subject: ELAP Comment to Proposed LFLR 12 Rule Change

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Good morning,

We write to provide comments to the proposed changes to LFLR 12 on behalf of the Eastside Legal Assistance Program's Domestic Violence Legal Program.

Proposed Local Rule Change: LFLR 12 (e)(1)(C) Limitations. Written submissions shall not exceed the total number and length set forth below... Reply Declaration of Moving Party
Max # Pages 3.

Comments: Protection order proceedings often involve complex factual disputes and limited hearing time, making written declarations an essential mechanism for presenting and responding to evidence. The proposed amendments to LFLR 12—specifically the addition of subsection (e)(1)(C)—would limit a petitioner’s reply declaration in civil protection order proceedings to three pages. While we understand the court’s interest in encouraging concise filings, this restrictive page limit may impair petitioners’ ability to adequately respond to factual allegations raised in respondents’ response declarations.

Protection order proceedings frequently involve self-represented litigants and survivors of domestic violence who are navigating the court process without legal assistance. Procedural limitations that prevent petitioners from fully responding to allegations will disproportionately affect vulnerable parties seeking legal protection.

In protection order proceedings, respondents’ response declarations are often lengthy and may include numerous exhibits and additional factual allegations. In many cases, these filings can number in the dozens or even hundreds of pages. Reply declarations are often the petitioner’s only opportunity to address new factual assertions or defenses raised for the first time in a response declaration. Limiting a petitioner’s reply declaration to three pages may therefore prevent the petitioner from meaningfully responding to allegations that could have a significant impact on the outcome of the case.

The proposed three-page reply limit would also create an asymmetrical limitation on the parties' ability to present their positions. While respondents may submit lengthy response declarations with extensive exhibits and no comparable page limitation, petitioners would be firmly restricted to a three-page reply regardless of the length of a response. This imbalance will disadvantage petitioners and may limit the court's ability to fully evaluate the factual record before ruling on a petition. Further, a three-page limitation on replies may also create a strategic incentive for respondents to submit lengthy response declarations or raise a high volume of additional allegations, knowing that the petitioner will have an extremely limited opportunity to respond.

Our concerns are heightened by the limited time available for oral testimony in protection order cases. As noted in the proposed amendments to LFLR 12, petitioners have only five minutes to present their case during a full hearing, including rebuttal. When considered together, the combination of a three-page reply limit and limited oral testimony may have the unintended impact of preventing petitioners from adequately responding to response filings.

While we understand the court's interest in encouraging concise filings and limiting unnecessary or duplicative briefing, a three-page limit is unreasonably restrictive in the context of protection order proceedings. A strict page limit does not advance judicial efficiency if it prevents parties from adequately addressing key issues in writing before the hearing. In practice, a three-page limit may lead to additional procedural complications—such as requests to exceed page limits, supplemental filings, or inadvertent violations of the rule—which the court will then have to manage during the limited time allotted for hearings. Not placing a page limit on replies will assist the court by ensuring that key factual disputes are addressed in writing before the hearing, rather than requiring additional clarification during the already limited time available for oral testimony.

We respectfully urge the court not to impose a strict page limitation on reply declarations in protection order proceedings. If the court determines that some limitation is necessary despite these concerns, we recommend either (1) increasing the page limit to allow meaningful responses to response declarations, or (2) including explicit language allowing the court to permit longer replies for good cause, particularly when a response filing raises numerous new allegations or includes extensive exhibits. Ensuring that petitioners have a meaningful opportunity to respond to allegations will support fair decision-making and assist the court in fully evaluating the factual record before ruling on petitions for protection orders.

Respectfully,

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