

From: [Yvonne Chin](#)
To: [LR Comments](#)
Subject: Comment: Proposed Local Rule Changes Published for Comment
Date: Sunday, April 30, 2023 11:17:52 PM
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DDear Rules Committee,

In response to the proposed amendments to the local rules - [2023-LRC-Proposed-Amendments.ashx \(kingcounty.gov\)](#) - please find my comments below.

1. LCR 7(b)(6)(B):

(B) Procedure. The moving party shall note the motion for hearing pursuant to LCR 7(b)(4). The court will consider the motion without oral argument unless the court orders otherwise. The motion must identify the prior ruling, the judicial officer who made it, any new

Suggestion: Parties should be able to request the opportunity to address the court and answer questions. Equity and access require some agency and choice. Suggested edit to: "The moving party shall note the motion for hearing pursuant to LCR 7(b)(4). **Oral argument may be requested, however the court may consider the motion without oral argument.** The motion...." This should apply to revisions and reconsiderations.

2. LCR 7(b)(6)(C):

(C) Response. No party may file a response unless requested by the court. The court will not grant a motion brought under this rule without such a request by the court. If the court

Clarification requested: I suggest editing this language for clarity. Does this mean that, if a court does not request a response, then the motion is going to be denied? Perhaps: "*The court will not grant a motion brought under this rule without giving the other party the chance to file a response. A response may not be filed, and will not be considered, unless requested by the court.*"

3. LCR 7(b)(6)(C):

may limit briefing to particular issues; and (c) the moving party may file a reply within two judicial days of service of the response, or at a time otherwise directed by the court.

Possible problem with the default of two judicial days: What if a party is pro se and has not consented to service by email, or doesn't use email? Service by mail is three days, excluding non-court days. There is a real chance that the party filing the motion may not receive notice of the response until after the default of two judicial days suggested in the rule, and by then

they've missed the window for reply. Consider increasing the default time for a reply, or taking that out altogether, and keep the provision allowing the court discretion as to when the reply must be filed.

4. LCR 12:

LCR 12. DEFENSES AND OBJECTIONS

(d) Motions under CR 12(b) and CR 12(c) shall be subject to the word limitations and scheduling requirements of CR 56, LCR 56 and LCR 7(b)(4)(B). LCR 59 governs motions for reconsideration of an order granting a motion to dismiss that terminates the dispute. LCR 7(b)(6) governs motions for reconsideration pertaining to orders that do not finally determine a cause of action, but only decide some intervening matter pertaining to the cause.

Comment: It is unclear why the addition in red is here under LCR 12. I see the language/explanation in red is also in LCR 59 and LCR 7, which is great.

5. LFLR 12:

LFLR 12(c). DOMESTIC VIOLENCE PROTECTION ORDERS

(a) **Applicability.** This rule applies to all petitions for domestic violence protection orders brought pursuant to the Domestic Violence Prevention Act, whether filed separately or under another cause of action.

(b) **Mandatory Forms.** The parties shall utilize any applicable local and state mandatory forms, including form Orders. Forms are available from the King County Clerk's Office, the Protection Order Advocate's Office, and <https://www.kingcounty.gov/courts/clerk>.

(c) **Return Hearing.** Every Temporary Order of Protection or Order of Modification entered without notice shall set a return hearing on the family law calendar on such notice as prescribed in Chapter 26-50 7.105 RCW. At the hearing, both parties may testify and the court may consider other relevant evidence. Copies of any writings or other documentary evidence provided to the court must be provided to the other party's attorney. If the other party is not represented, the copies should be handed to either courtroom staff or a domestic violence advocate in the courtroom with a request that they provide the copies to the other party.

Comments:

a) 7.105 is now billed as the Civil Protection Orders Act (no longer the Domestic Violence Prevention Act).

b) "At the hearing both parties may testify and the court may consider other relevant evidence." - For harmony and clarity, I strongly suggest taking this out altogether; or updating it to be an exact copy of 7.105.200(5) governing hearing procedure for DVPOs; or simply refer to 7.105.200(5):

"Hearings may be conducted upon the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief."

Thank you for this opportunity to comment.

Sincerely,
Yvonne Chin
WSBA No. 50389

On Tue, Feb 28, 2023 at 3:05 PM Superior Court Clerk's Office
<ClerksOffice@subscriptions.kingcounty.gov> wrote:

KING COUNTY SUPERIOR COURT CLERK'S OFFICE

CONTACT: Elizabeth.Willoughby@kingcounty.gov
ISSUED BY: Barbara Miner, Director and Superior Court Clerk
ISSUE DATE: February 28, 2023
ISSUE NO: 23-005

CLERK'S ALERT

Proposed Local Rule Changes Published for Comment

Comment Period Open March 1 – April 30, 2023

King County Superior Court is publishing several proposed rule changes for review and comment. Pursuant to King County Local Civil Rule 83 and GR 7(b), the review and comment period for the proposed new rules and amendments is now open and the Court will consider all comments received prior to May 1, 2023.

Copies of the proposed new and amended local rules are available on the Clerk's website (www.kingcounty.gov/courts/clerk/rules) and at the King County Courthouse (Seattle) and the Maleng Regional Justice Center (Kent) Clerk's Office locations.

Comments to the proposed new rules and local rule amendments should be in writing and directed to:

lrcomments@kingcounty.gov

or

Barbara Miner, Clerk of the Superior Court ATTN: Local Rules

516 Third Ave, Rm E609 Seattle, WA 98104

The proposed new and amended rules which include substantive changes include:
LGR 29; LCR 7; LCR 12; LCR 40; LCR 40.1; LCR 55; LCR 56; LCR 59; LCR 98.04;
LCR 98.22; LJuCR 1.1; LJuCR 1.7; LJuCR 1.8; LJuCR 1.9; LJuCR 2.0; LJuCR 2.3;
LJuCR 2.4; LJuCR 2.5; LJuCR 3.2; LJuCR 3.3; LJuCR 3.4; LJuCR 3.6; LJuCR 3.8;

LJuCR 3.9; LJuCR 3.11; LJuCR 3.12; LJuCR 3.13 LJuCR 3.14; LJuCR 3.15;
LJuCR 4.2; LJuCR 4.3; LFLR 1; LFLR 2: LFLR 3: LFLR 5; LFLR 6; LFLR 8; LFLR 9;
LFLR 12; LFLR 13; LFLR 14.

The final version of the local court rule amendments, as adopted by the Court after the review and comment period, will become effective September 1, 2023.



www.kingcounty.gov/courts/clerk

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