

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);
 - (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 setting 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].
 - (3) Failure to file a certification of a settlement attempt may result in the settlement conference request being denied.
- (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 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 on emergency basis March 23, 2024, effective April 1, 2024.