

Faulk, Camilla

From: Shannon Slaght [shannon_slaght@co.benton.wa.us]
Sent: Wednesday, April 30, 2008 10:52 AM
To: Faulk, Camilla
Cc: Ryan Brown
Subject: Proposed Revisions to GR 14
Attachments: GR 14 Comment Letter to Supreme Court Clerk.wpd; GR14 RKB Proposed Further Amendments.doc

Attached please find Ryan Brown's comment on proposed revisions to GR 14.

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1
2 RULE GR 14
3 FORMAT FOR PLEADINGS AND OTHER PAPERS
4

5 (a) Format Requirements. All pleadings, motions, and
6 other papers, including attachments thereto, filed with the
7 court shall be legibly written or printed. The use of
8 letter-size paper (8-1/2 by 11 inches) is mandatory. The
9 writing or printing shall appear on only one side of the
10 page. The top margin of the first page shall be a minimum
11 of three inches, the bottom margin shall be a minimum of
12 one inch and the side margins shall be a minimum of one
13 inch. All subsequent pages shall have a minimum of one
14 inch margins. Papers filed shall not include any colored
15 pages, highlighting or other colored markings.
16

17 (b) Exception for Trial or Hearing Exhibits and
18 Administrative Records. This rule is not mandatory for
19 trial or hearing exhibits or administrative records, but
20 the use of trial or hearing exhibits and administrative
21 records that comply with this rule is encouraged if it does
22 not impair legibility.
23

24 (c) Application of Rule. This rule shall apply to all
25 proceedings in all courts of the State of Washington unless
26 otherwise specifically indicated by court rule.
27

28 (d) Citation Format. Citations shall conform with the
29 format prescribed by the Reporter of
30 Decisions. (See Appendix 1.)
31
32

33 [Adopted effective September 1, 1990; amended effective
34 April 1, 2001;
35 September 1, 2003.]
36
37

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Clerk of the Supreme Court
PO Box 40929
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Re: Proposed Revisions to GR 14

Dear Clerk:

Although this comment is submitted on my personal behalf, I understand that the Washington Association of Prosecuting Attorneys (WAPA) will be submitting a comment with similar concerns.

Although I do not doubt the need for revisions to GR 14, there is a subset of cases that will be negatively affected by the specific language of the proposed revision. That subset consists of cases where Superior Courts sit in an appellate capacity with respect to an administrative decision. In those type of cases, the administrative record is developed by a state or local agency. If an appeal is filed, that record must then be filed with the Superior Court Clerk. Such appeals are authorized by a number of different statutes, and the Superior Courts are generally limited to a review of the administrative record. Examples of these statutes are found in the Land Use Petition Act, particularly RCW 36.70C.120(1), and the Administrative Procedures Act, particularly RCW 34.05.558.

From time to time, clerks' offices have expressed concerns with administrative records submitted for filing that contain oversize documents, CD's or other unusual items that are part of the agency record. However, any resistance has generally been overcome through citation to the current version of GR 14(b).

I am concerned, however, that with the adoption of the proposed amendments to GR 14(b), clerks will be legitimately authorized to refuse to accept any administrative records that contain anything other than documents on 8.5" by 11" paper.

Clerk of the Supreme Court
April 29 2008
Page 2

The state and local agencies that develop administrative records and make important quasi-judicial decisions for the people of the State of Washington need to be able to accept evidence in whatever form allows these agencies to make correct decisions. I understand the motivation for the proposed rule amendment, but such concerns should not be cause to limit the nature of evidence that may be considered by a local agency any more than such concerns should limit the type of evidence that may be submitted to a Superior Court in an original action before it.

The attached further amendment to GR 14(b) would, in large part, address the concerns that the Court seeks to address without unduly limiting the nature of evidence that may be submitted to an administrative decision-maker. This further amendment makes clear that administrative records, as well as trial and hearing exhibits, can be filed with a clerk even if there are items in the record that do not comply with the format requirements of GR 14(a).

Thank you for the opportunity to comment. If you have further questions, please let me know.

Very truly yours,

ANDY MILLER
Prosecuting Attorney

/s/ Ryan K. Brown
RYAN K. BROWN, Chief Deputy
Prosecuting Attorney (Civil)

RKB:ss

Enclosure (further revision to amendment to GR 14)
cc: Tom McBride, Executive Secretary WAPA
Andy Miller, Benton County Prosecuting Attorney
Josie Delvin, Benton County Clerk