(g) Other Books and Records of Clerk.

(1) Exhibits. Exhibits shall be kept separately from the court file. Any inspection of an exhibit must be in the presence of the clerk or a deputy clerk unless authorized by a court order.

(A) Hazardous or Potentially Hazardous Materials. Exhibits containing hazardous or potentially hazardous materials shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:
Amended effective 9/1/05

(i) Materials containing or apparently containing blood, blood residue, bloodborne pathogens, infectious material, drugs, controlled substances, or other potentially hazardous material, shall be packaged and labeled as directed in a Hazardous Exhibit Protocol adopted by the court and filed with the Clerk or as directed by the court.
Amended effective 9/1/05

(ii) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.
Amended effective 9/1/05

(iii) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.
Amended effective 9/1/05

(iv) Paper bags alone shall not constitute proper packaging.
Amended effective 9/1/05

(2) Rejection of Unsuitable Materials.

(A) Original court record. Whenever there is presented to the clerk for filing in a cause, any paper or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines the paper or materials should not be made a part of the original court file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court, except to the parties or their attorneys of record.

(B) Materials filed not evidence unless ordered. Exhibits filed pursuant to subsection (2)(A) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(h) Withdrawal of Files and Exhibits.

(1) Files. A file may be removed from the county complex only by an attorney, APR 9 intern, a paralegal registered under LCR 54(e)(3), guardian ad litem, court commissioner or a judge. Authorization for an attorney, APR 9 intern, guardian ad litem or a paralegal registered under LCR 54(e)(3) to remove a file from the county complex must be given in writing by the clerk or chief deputy and shall not exceed 48 hours, excluding weekends. Up to three files may be checked out for 48 hours at a time. If a request is in excess of three files, an order signed by the court is required, specifying which files may be checked out. A confidential/sealed file may not be checked out for 48 hours except upon an order signed by the court. Violation may result in a 90-day suspension of the privilege to check out court files for a 48 hour period, and for paralegals authorized to check out files under this rule, notice of the violation will be given to the SCBA Paralegal Committee. Files may be withdrawn to be taken to a courtroom by the following persons on giving a written receipt: judges, court commissioners, deputy clerks, bailiffs, official court reporters, judicial assistants, court administrator's office, court facilitator staff, representatives from bail and/or bonding companies, attorneys, paralegals registered under LCR 54(e)(3), APR 9 legal interns, guardians ad litem and representatives of adoption agencies.

This subsection is suspended indefinitely effective January 1, 2010.

Amended Effective 9/1/09

(2) Exhibits - Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the clerk only by:

(A) The judge having the cause under consideration.

(B) Official court reporters and law clerks/judicial assistants, without court order, for use in connection with their duties.
Amended effective 6/1/00

(C) Attorneys of record, or paralegals employed by attorneys of record and registered under LCR 54(e)(3) upon court order, after notice to or with the consent of opposing counsel.
Amended effective 6/1/00

(3) Exhibits - Illustrative Exhibits Return. In any non-criminal cause, the court on its own motion, may at the conclusion of trial/hearing return all exhibits that were admitted for illustrative purposes only, to the parties, absent any objection by counsel.

(4) Exhibits - Return of Exhibits. In any non-criminal cause on a stipulation of the parties, that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, each party shall withdraw all exhibits offered by such party and give the clerk a receipt therefore. In the event a party shall fail to withdraw the exhibits within ninety (90) days after the final disposition, the clerk is authorized to destroy the same exhibits after thirty (30) days from mailing to a party a notice of intent to destroy exhibits.

(5) Exhibits - Return of Controlled Exhibits (Drugs or Dangerous Items). When any controlled substance or dangerous items have been admitted in evidence or have been identified, and are being held by the clerk as part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the court for an order directing the clerk to deliver such drugs and/or dangerous items, to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the court finds these facts, and is of the opinion that there will be no further need for such drugs and/or dangerous items, it shall enter an order accordingly. The clerk shall then deliver the drugs and/or dangerous items and take from the law enforcement agency a receipt which he shall file in the cause. He shall also file any certificate issued by an authorized federal or state agency and received by him showing the nature of such drugs.

(6) Videotaped Deposition(s). Videotaped deposition(s) played and reviewed in open court shall be

treated as court exhibits, with the same retention standards. Except as ordered by the court, if a party wishes same reviewed deposition(s) to become part of the court file, then the party shall submit a true and accurate transcript of such deposition(s) to the clerk.

(7) Certified Appeal Board Records and Exhibits. Certified appeal board records and exhibits shall be kept separate from the original court file. Upon conclusion of the trial and stipulation of the parties, absent any objection or further appeal by the parties, the certified appeal board record and exhibits shall be withdrawn upon receipt to the clerk. In the event of an appeal to a higher court, when the final disposition of the appeal is filed, the parties shall withdraw the certified appeal board record and exhibits within thirty (30) days or upon notice from the clerk, authorize the clerk to destroy the above said records and exhibits. The clerk shall file any stipulation or authorization into the case file.

(8) Destruction of Records - Reproduction of Records.

(A) Microfilmed Or Scanned Records. Files, or portions thereof, and records that have been destroyed pursuant to RCW 36.23.065, may be reproduced and used in accordance with RCW 36.23.067 for a trial or hearing. The party or attorney needing a reproduction of a microfilmed or scanned file or record shall request the clerk, at least six (6) days prior to the scheduled court date, to reproduce the necessary materials.
Amended effective 9/1/05

(B) Confidential or sealed files and materials. The clerk shall not permit the examination of any confidential or sealed file or other sealed materials except by order of the court. Such order shall include findings to meet the requirements of GR-15 and any applicable statutes.

(i) Sealed Files. The clerk shall not permit the examination of any sealed file except upon the written order of a judicial officer.
Amended effective 9/1/07

(1) Confidential Use by Judicial Conduct Commission. Upon request, the clerk of the court shall provide copies of, or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to WA. Const. Art. IV, sec. 31.
Effective 9/1/07

(2) Public Use. No materials in a sealed file may be made public, unless the Judicial Conduct Commission has first obtained an order pursuant to GR 15. Motions to obtain such an order shall be made to the Presiding Judge.

Effective 9/1/07

(j) Filing of Court Documents

(1) Filed Documents Available. Documents turned in for filing by 5:00 p.m. on any given day will be placed in the court file by 5:00 p.m. on the next work day, unless the document is a "Clerks Action Required" document or a Financial document requiring a judgment number and execution docket entry. Filed documents must be coded, entered into the computer, scanned into the clerk's imaging system and placed in the court file. These documents will not be released until they are processed and placed in the court file. The court document will be available for use by 5:00 p.m. on the first work day subsequent to filing.
"Clerks Action Required" and Financial documents require additional time for review, copying, execution docket coding, JIS data entry and verification. These documents will not be released until they are processed and placed in the court file. The court documents will be available for use by 5:00 p.m. on the third to fifth work day subsequent to filing.

This subsection is suspended indefinitely effective January 1, 2010.

Amended effective 9/1/07

(2) Action Documents - Requirements. Pleadings or other papers requiring action on the part of the clerk, other than file stamping, docketing and placing in the case file, shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, indicating "Clerks Action Required".
Adopted 7/17/97; effective 9/1/97