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STATE OF WASHINGTON

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No. 65259-1
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

HAROLD CROVISIER,

Respondent,

v.

JAMES HENCHES,

Appellant,

and

SEBNEM ODEN,

Defendant.

REPLY BRIEF OF APPELLANT

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ORIGINAL

Table of Contents

I. DISCUSSION.....1
Appendix.....3

Table of Authorities

Court Rules

GR 30 1

Other

Electronic Filing Technical Standards 2-3

I. DISCUSSION

Crovisier misses the point when he asserts that “Only non-attorney signatures on documents signed under penalty of perjury require either a digital signature or a scanned copy of an actual signature.” Response brief at 5. The point is not how the document was signed, but instead its format. Crovisier did not send an image of a document signed in accordance with GR 30; he sent a Microsoft Word document.

The best way to look at this is to consider what would have happened if Crovisier had sent the Court the same thing that he sent to Henches. If what Crovisier sent to Henches would have been accepted by the Court as a proper filing, then what he sent to Henches should be proper service. On the other hand, if what Crovisier sent to Henches would not have been accepted as electronic filing, then it should not be deemed electronic service.

GR 30(B)(1) allows a clerk to accept for filing “an electronic document that complies with the Court Rules and the Electronic Filing Technical Standards.” The “Electronic Filing Technical Standards” are “those standards, not inconsistent with this rule, adopted by the Judicial Information System Committee to implement electronic filing.” GR 30(a)((4). They are available at the Washington Courts website

(<http://www.courts.wa.gov/jis/?fa=jis.display&theFile=electronicFilingResources>) and attached as Appendix 1.

Under Technical Standard 3, Electronic Filing Service Providers may accept any format of document that they choose, but must submit the documents to the court in TIFF, PDF or standardized XML format. Technical Standards at p. 5. Consistent with these standards, the King County Clerk only accepts documents in PDF or TIFF format. Appendix 3 See <http://www.kingcounty.gov/courts/Clerk/E-filing.aspx>.

The singular question presented here is whether email delivery of a Microsoft Word document can satisfy the requirements of electronic service. Because such a document could not be electronically filed, it likewise cannot be served. This Court should so rule and reverse the Order denying Henches' motion to vacate the judgment.

DATED this 26th day of August, 2010.

DEMCO LAW FIRM, P.S.



Matthew F. Davis, WSBA No. 20939
Attorneys for appellant

Appendix

Appendix 1: Electronic Filing Technical Standards

Appendix 2: King County Clerk E-Filing Requirements

APPENDIX 1

Electronic Filing Technical Standards For the Washington State Courts

Authorization

General Court Rule 30 (GR 30), adopted by the Washington State Supreme Court, requires the Judicial Information System Committee (JISC) to adopt electronic court filing technical standards that are to be followed by the courts in the state of Washington that implement electronic filing.

Revision

At the direction of the JISC, the Washington State Administrative Office of the Courts (AOC) shall review the technical standards annually and propose changes to the JISC. The AOC will solicit input from potentially affected courts before submitting its recommendation. The JISC may convene or authorize periodic *ad hoc* working groups to make major revisions as desired.

Business Goals

Electronic filing of court cases is intended to make the business process more efficient and less costly for both litigants and the courts themselves. Technical standards should support and encourage high usage, so that the underlying business case will be realized as soon as possible.

Technical standards support several desirable business goals served by electronic court filing systems:

- **Interoperability:** the ability of a litigant to file electronically in different courts.
- **Flexibility;** the ability to allow litigants to file electronically in courts that use any of several different business models.
- **Openness:** the ability for a court to offer electronic filing so it can be accomplished by multiple electronic filing service vendors.
- **Efficiency:** the ability of any court or filing provider to use standard software for successful electronic court filing.

Strategy

The Washington State Courts seek to use national and industry standards, both *de jure* and *de facto*, whenever possible. At the national level, the Conference of State Court Administrators (COSCA) and the National Association for Court Management (NACM),

working through their Joint Technology Committee (JTC) have endorsed standards for electronic court filing business processes. These standards include some technical standards.

Within the Organization for the Advancement of Structured Information Standards (OASIS), the Legal XML Member Section's "Electronic Court Filing Technical Committee (ECFTC)" has published several proposed standards for electronically filing and querying court systems for data and documents. These standards were developed as Extensible Markup Language (XML) "Document Type Definitions (DTDs)," documents used for standardizing the use of XML in particular areas of application. DTD's themselves are non-compliant with the basic XML standard, so the XML Schema now replaces the DTD as the preferred method for describing documents.

Aside from the problem of using a DTD, the ECFTC standards represent an incomplete technical architecture that leaves many areas of potential interoperability undefined. In particular, the standards do not yet support the correct implementation of web services. They also do not incorporate objects from the latest and most useful version of the national Justice XML Data Dictionary (JXDD), which has been sponsored by and developed under the auspices of the U.S. Department of Justice.

Ideally, state court technical standards would be based on or simply reference the OASIS Legal XML ECFTC standards for electronic court filing. When the ECFTC completes the planned second version of its electronic court filing technical standards, this vision should become realistic. Until that time, the JISC must specify usable technical standards that anticipate the direction of the OASIS ECFTC work.

The JXDD Version 3.0 is still in draft form. Courts and other justice groups are validating the draft with current projects. Version 3.0 represents a breakthrough opportunity to standardize the semantics of justice information in a way that will significantly facilitate sharing justice and public safety data. Court technical standards should reuse the JXDD Version 3.0 XML objects wherever possible.

The Washington State and Georgia Administrative Offices of the Court (AOC's) are jointly sponsoring the Open XML Court Interface (OXCI) project to create a court filing middleware application or Electronic Filing Manager (EFM) that will be compliant with national standards and can be used by any court. It constitutes only part of a complete electronic filing architecture as envisioned by OASIS Legal XML's ECFTC. The JIS Committee plans to offer the OXCI middleware statewide, once it is completed, for Electronic Filing Service Providers (EFSP's) to file directly with the JIS case management system.

The COSCA/NACM and OASIS standards have been written flexibly enough to support a number of different business models for implementing electronic filing. In principle, the technical standards should be indifferent to where the various components of the architecture reside (in the court or with a vendor, locally or remotely). They also can

accommodate a court having multiple electronic filing service providers, some of which may be commercial.

For many areas of functionality, Internet standards from the World Wide Web Consortium (W3C) and OASIS or *de facto* industry standards already exist. Because of their widespread acceptance and success, they should be used. Examples include Hypertext Transport Protocol (HTTP) and HTTP Secure (HTTP/S), Secure Socket Layer (SSL), Transmission Control Protocol/Internet Protocol (TCP/IP), Extensible Markup Language (XML), and XML Schema.

The Washington State AOC believes that software industry is also standardizing on XML Signature & Encryption, Simple Object Access Protocol (SOAP), SOAP with Attachments, Web Services Description Language (WSDL), and Universal Description Discovery and Integration (UDDI) protocol.

Several recently approved security standards likely to become widely implemented are Security Assertion Markup Language (SAML) and Extensible Access Control Markup Language (XACML). Draft standards of possible interest include Web Services Reliable Messaging (WSRM) and Web Services Business Process (WSBP). A possible alternative to SOAP, WSDL, UDDI and WBRM is Electronic Business XML (ebXML).

Components and Interfaces

The OASIS Legal XML ECFTC intends to create standards that support both interoperability and multiple business models. These potentially inconsistent goals can both be achieved by specifying a flexible component architecture. The components themselves can be visualized as "black boxes," so long as their interfaces and interactions are governed by the open standards. The basic components are:

- Electronic Filing Service (EFS) - provides the interface for actual filing of court documents electronically
- Electronic Filing Manager (EFM) - provides middleware between the electronic filing service and the "back end" case management and document management systems in the court
- Adapters - custom software that connects an EFM with the specific CMS and DMS in the court
- Case Management System (CMS) – a system in which court case data is recorded and in which it is retained
- Document Management System (DMS) – a system that holds the court's case documents and makes them accessible

The OASIS Legal XML ECFTC will define open standards for the following interfaces:

- The Electronic Filing Service (EFS) to/from the Electronic Filing Manager (EFM)
- The Electronic Filing Manager (EFM) to/from the Case Management System (CMS)

- The Electronic Filing Manager EFM to/from the Document Management System (DMS)

Business Models

The OASIS Legal XML ECFTC envisions business models ranging from one extreme, where the court exclusively controls all components of the system, to another extreme where a commercial vendor controls all components on behalf of the court. Variations may include all possible combinations of single vendors, multiple vendors, and courts owning/managing a few, some or almost all of the components. The interface standards for the components are intended to be transparent. That is, they should serve equally well any of these business model variations. The Washington State technical standards will impose some constraints on the allowable business models without eliminating court flexibility or market competition.

Technical Standards

1. Messaging.

- EFS to EFM and EFM to Adapter messaging shall use SOAP 1.1 (or later) or ebXML 2.0 (or later) messaging standards, bound to HTTP.
- The initial messaging specification is limited to the SOAP or ebXML messaging standards, with any legal extensions left to the court or vendor.

COMMENT: The interim messaging specification will be the OXCI messaging schema, for which the estimated availability is March 2004. The final messaging specification will be the OASIS Legal XML Electronic Court Filing 2.0 schema, whose estimated availability is June 2004.

- Any messages between electronic filing components that travel over any network segment outside the court firewall must use HTTP/S and SSL.

2. Envelope

- The initial specification for the electronic filing envelope is the OASIS Legal XML Court Filing 1.1 DTD. Minor modifications, extensions and conversion to a schema are all allowable, since this specification was never intended to be a complete specification.

COMMENT: The interim specification will be the OXCI envelope schema, whose estimated availability is March 2004. The final specification will be the OASIS Legal XML Electronic Court Filing 2.0 schema, whose estimated availability is June 2004.

3. Filing

- An EFS may accept a filing in any file format it chooses to accept and support.
- An EFS must submit a filing to an EFM in one or more of the following formats: TIFF, PDF or standardized XML Schema.
- An EFM must accept TIFF, PDF or XML Schema filings, even if the court converts the filings to one standard format for use and retention in its DMS and/or CMS.
- Courts are free to convert filings from the EFM to their preferred formats for storage in their DMS. The AOC recommends using PDF over TIFF for images in the DMS, PDF for word processed documents in the DMS, XML Schema or PDF with XML (Acrobat Version 6 or higher) for XML-tagged online fillable forms or for XML templates in the DMS.
- XML Schema for XML-based court forms and documents will be released gradually by the AOC. So long as an official state schema does not exist, EFS providers should base the internal tags of their forms and document schemas upon the JXDD Version 3.0 wherever possible.

4. Security

- Litigants or lawyers requesting filing privileges or persons authoring documents to be filed in a court must provide to an EFM (through an EFS) the following identifiers in order to be authenticated for system access: name, date of birth, gender, and driver's license number **or** state identification card number. Requesters will receive an electronic filing system ID, password and Personal Identification Number (PIN). Estimated availability for this identity validation service from AOC to EFS and EFM providers is February 2004. Estimated availability of the Web services specification is January 2004.
- The court or EFM provider is not required to verify any identifying information provided before issuing an ID, password and PIN to a user. Liability for fictitious or incorrect identification information rests with the filer and EFS provider.
- The EFM will log users by identification, time and transaction for the purposes of establishing filing/authoring non-repudiation.
- The EFS must apply a one-way hash to the data/document being filed by an external EFSP to an internal EFM and identify the hash method according to guidance in the technical standards for the purposes of data/document integrity.
- Digital signatures may be required by an EFS to meet its own authentication and integrity requirements, but a court may not require such digital signatures for the purposes of filing authentication.
- An EFM must pass through and preserve any digital signature submitted with a document, but it is not required to use it for the purposes of authentication, non-repudiation, or verification of integrity.
- A judicial officer must use a digital signature with all judicial orders, in order to meet the requirements for non-repudiation and integrity.

5. Policies

- The initial specification for court policy is the Nebraska AOC Court Policy schema.

COMMENT: The interim specification will be the OXCI Court Policy schema, for which the estimated availability is March 2004. The final specification will be the OASIS Legal XML Electronic Court Filing Policy 2.0 schema, for which the estimated availability is June 2004.

6. Payments

- An EFS provider must collect and transfer required fees and fines to the courts electronically using standard merchant bank mechanisms. This provision applies only to non-court EFSP's.
- An EFS provider must support online payments.
- An EFS provider must provide electronic monthly reconciliation reports to each court for their transactions. This provision applies only to non-court EFSP's.
- The AOC shall provide the technical specification for the reconciliation reports.
- An EFS must indicate the successful receipt of payment in real-time to an EFM before the associated filing transaction may be considered complete.
- The liability for actual payment to the court resides with the EFS provider.
- The EFM must log assertions of payment by the EFS.

7. Components

- A court may use only one official EFM.
- A court may use one or more official EFS providers.
- All courts and vendors operating an EFS and/or an EFM must be certified by the Washington State AOC, which will verify compliance with the technical standards. This process includes execution of a formal contract that also binds the contractor to conform with other legal requirements on related matters, including privacy, data reuse for commercial purposes, and confidentiality. Upon adoption of these standards by the JISC, the AOC will make the certification service and an example contract available.

8. Grandfathering

- Courts operating electronic filing pilot projects prior to formal adoption of these technical standards will be exempt from these technical requirements.
- Initially “grandfathered” courts shall comply with these technical standards in the next major budget cycle after these standards are published.
- Courts shall comply with updated versions of these technical standards in the next major budget cycle after revisions are published.

9. Notice and Service

- Messaging standards for EFS and EFM components shall include requirements in support of standard court noticing and legal service capabilities:
 - notice to filer of filing date and time
 - notice to filer of document problem
 - notice to filer of successful or unsuccessful payment
 - notice to filer of filing acceptance
 - notice to filer of offline system status
 - notice to filer of submitted judicial draft order
 - notice to filer of change in court policy
 - service to case parties
- Filers and EFS providers need not use these capabilities if they prefer direct email communications.

JIS Considerations

For courts using JIS as their CMS, the JIS Committee offers the following issues for their consideration:

- The court will need to specify a version of Court Policy that incorporates state and local rules as well as necessary information about JIS itself. A version of the Nebraska court policy schema using the JIS example may be obtained from the AOC after adoption of these standards.
- The court will also need to specify a standard interface for communication between JIS and the court's DMS. Estimated availability of a published JISC standard by the AOC for a JIS-to-DMS interface based on XML is March 2004.
- The JIS Committee plans to implement special interfaces to JIS for filing of traffic citation and criminal cases. Estimated availability of the traffic citation filing XML schema is January 2004. Estimated availability of the criminal filing XML schema is yet to be determined.
- Courts, vendors and filers will need to know which EFS and EFM providers are certified by the JIS Committee. The AOC will publish information identifying certified providers on the state court web site after adoption of these standards.

Appendix A Electronic Filing Glossary

These definitions are not normative or part of the official technical standards. They are provided to clarify the intent of the technical standards.

API - Application Program Interface. A formal specification describing how one program can "talk" to another program.

CMS - Case Management System. An application like SCOMIS. A given court's CMS can include non-JIS local systems.

DMS - Document Management System. An application like the King County Superior imaging system, although it would use an XML-based transmission envelope for adding documents into this system.

EFM - Electronic Filing Manager. An application that accepts an XML file from the EFSP application and processes it, passing data to the CMS and DMS, and returning any necessary XML-formatted information to the EFSP application.

EFSP - Electronic Filing Service Providers. EFSP's provide an application for filers to use to submit documents to courts, electronically forwarding those filings to courts, and directing responses from courts back to the respective filers.

HTTPS - HyperText Transfer Protocol Secure. A secure version of the Internet protocol for transmitting information on the World Wide Web. It allows implementation of SSL in servers and browsers, which ensures that information is protected from prying eyes.

PDF - Portable Document Format. An open but proprietary standard for Internet documents from Adobe. PDF preserves the original format of the document. A PDF document that was word processed is text-searchable.

SSL - Secure Sockets Layer. SSL works together with HTTPS to provide encrypted and digitally signed transactions over the Internet.

TIFF - Tagged Image File Format. TIFF is a standard file format for exchanging graphical images.

XML - Extensible Markup Language. XML is an Internet protocol for giving semantic meaning to data elements and document subsections. XML is similar in design to HTML, but XML supports intelligent data exchanges.

Appendix B

Generic Court Filing Business Process

This business process is not normative or part of the official technical standard. It is provided to clarify the intent of the technical standards. It is based on the national functional "process" standard for electronic filing adopted by COSCA and NACM. The national functional standard can be accessed at the web site of the National Center for State Courts.

Access System

1. Litigant accesses web site.
2. System assigns user ID and password.
3. Litigant logs on.

File Case or Document Externally

1. Litigant initiates case.
2. System assigns case number.
3. [O] Litigant converts document to acceptable format.
4. Litigant submits filing.
5. [A] Litigant submits mass filing.
6. [A] Litigant submits draft document.
7. [A] Litigant submits non-case file document.
8. System assign unique identifier to document.
9. [O] System marks document as confidential.
10. [O] Litigant requests confidentiality for document.
11. System notices filer of filing date and time.
12. System checks document for problem (integrity, virus, digital signature, format, etc.).
13. System validates document.
14. [A] System rejects document.
15. [A] System notices filer of document problem (integrity, virus, signature, format, etc.).
16. System queues document for clerk review.
17. Clerk reviews document.
18. Clerk validates document.
19. [A] Clerk rejects document and notices filer.
20. [O] Litigant submits filing fee payment.
21. [O] System notices litigant of successful payment.
22. [A] System notices litigant of unsuccessful payment.
23. System submits document to DMS and docket CMS.
24. System creates audit log of transaction.
25. [O] System creates backup copy of court document.
26. [O] System prints paper document.

27. System notices filer of filing acceptance.
28. [A] System notices filer of offline status.

File Case or Document Internally

1. Prosecutor initiates case.
2. System assigns case number.
3. Prosecutor submits filing.
4. System assign unique identifier to document.
5. System checks document for problem.
29. System validates document.
30. [A] System rejects document.
31. [A] System notices prosecutor of document problem (integrity, virus, signature, format, etc.).
6. [A] Clerk submits filing.
7. [A] Judicial officer approves draft order.
8. [A] Judicial officer notices litigant about submitted draft document.
9. [A] Judicial officer submits signed court order.
10. [A] Clerk files court order.
11. System submits document to DMS and docket CMS.
12. System creates audit log of transaction.
13. [O] System creates backup copy of court document.
14. [O] System prints paper document.
15. System notices prosecutor of filing acceptance.
16. [A] System notices filer of offline status.

Request Information

1. Litigant requests information (court policy including payment information, case information/data, court document).
2. System returns information (court policy including payment information, case information/data, court document).

Notice and Service

1. Litigant services a case party.
2. System services a case party.
3. [O] System notices litigant of change in court policy.

Administer System

1. Clerk maintains access rights.
2. Clerk maintains court policy. **[I added this one. It is not in the King draft.]**

3. Clerk changes confidential status of document.
4. [O?] Clerk exports case record to another court.
5. [O?] Clerk imports case record into court.

DMS Functions

1. Judicial officer annotates court document.
2. Judicial officer views annotation of court document.

CMS Functions

1. Court user accesses court document in DMS from the CMS.

External Functions

1. Litigants communicate.
2. Clerk converts electronic formats of old court documents.
3. Clerk migrates legacy data to new format.
4. Clerk migrates court documents and data to new DMS and CMS.
5. Clerk responds to disaster.

APPENDIX 2



Mandatory E-Filing Frequently Asked Questions (FAQS)*

Table of Contents ('Ctrl & Click' on a question will take you directly there)

General Questions	2
1) When does the new mandatory e-filing rule begin?	2
2) What gives the Clerk authority to require that I e-file?	3
3) Is there a fee to e-file documents?.....	3
4) Who is required to e-file?.....	3
5) I do not have an attorney. Do I need to e-file?.....	3
6) How quickly can I set-up an e-filing account and begin e-filing?.....	3
7) What if I cannot meet the requirement to e-file?	3
8) I am on a tight deadline and am a first-time e-filer that has not set up my e-filing account yet—can I file in paper form?	3
9) What will the Clerk's office do if I do not e-file my documents?	4
10) If I e-mail my documents to the Clerk for filing, will I meet the requirement to e-file?4	
11) Do I need to submit all my documents electronically?	4
12) Are there any documents that I cannot file electronically?.....	4
13) I have a case initiated before 2000 that is still active. Can I e-file documents in cases filed prior to the year 2000?.....	4
14) Can I use the E-Filing application to initiate a new case?	5
15) Am I required to e-file new cases?.....	5
16) Can I e-file anytime, including weekends and holidays?.....	5
17) How do I sign e-filed documents?.....	5
18) If a Judge e-files an order, how do they sign it?.....	5
19) Can I serve other parties and counsel electronically?.....	5
20) Am I supposed to e-file proposed orders?	5
23) How do I e-file sealed documents?	6
25) Can I still fax my documents to the clerk for filing?	6
26) Is there training available to learn how to e-file?	6
Processing Questions	7
27) Can I view my documents after e-filing?	7



28) How long will it take for my document to be processed?7

29) Can my e-filed documents be rejected for filing? How will I know?.....7

30) How do I receive my case schedule?7

31) Do I still have to file a Case Assignment Designation and Case Information Cover Sheet (CICS)?7

32) Can I obtain certified copies electronically?7

Technical Questions8

33) What document file format types will the E-Filing application accept?.....8

34) Do I need any special computer hardware or software to e-file?8

35) How do I convert a paper document into an electronic copy if I do not have a scanner?8

36) *What if I am unable to successfully upload and e-file my PDF document?*8

37) *May I use the Adobe Typewriter tool to add text to a PDF document file prior to e-filing?*

38) Are there file size limits for e-filed documents?.....9

39) What do I do if the document I want to e-file is under 100 pages yet exceeds the file size limit and the E-Filing application won't accept it?.....9

40) How do I e-file large sized or bulky documents, such as maps?.....9

41) How do I get technical support if I have a problem with the E-Filing application?....9

42) What if my internet connection is down?9

43) What do I do if the E-Filing application is down?9

44) What if the King County website is down and I cannot access the E-Filing application?..... 10

45) Will I be notified if the E-Filing application will be taken down for system maintenance? 10

Ex Parte via the Clerk FAQs (Ctrl & Enter to follow link) 10

Working Copies FAQs (Ctrl & Enter to follow link)..... 10

General Questions

1) When does the new mandatory e-filing rule begin?

July 1, 2009.



2) What gives the Clerk authority to require that I e-file?

General Rule 30 (GR 30) governs electronic filing in Washington Courts. GR 30 allows local courts to mandate electronic filing. King County Superior Court has implemented a new local rule, LGR 30, which mandates electronic filing for attorneys effective July 1, 2009.

3) Is there a fee to e-file documents?

E-Filing is free for non-fee documents. Fee-related documents are subject to the standard fee schedule, plus the standard King County E-commerce transaction fee (\$2.49 for credit cards or .95 for internet check payments).

4) Who is required to e-file?

All attorneys are required to e-file. The Clerk's office encourages pro-se parties (those who are not represented by counsel) to e-file; however, they are not required to do so.

5) I do not have an attorney. Do I need to e-file?

No. Only attorneys are required to e-file. The clerk encourages *pro se* parties to e-file, but it is not mandatory. If you are interested in e-filing you may refer to our website for assistance. <http://www.kingcounty.gov/courts/Clerk/E-Filing.aspx>

6) How quickly can I set-up an e-filing account and begin e-filing?

Setting up an E-Filing account with the Clerk's office is easy and takes just a few minutes. Once you have set up an account you may begin to e-file immediately. For more information about setting-up and using an e-filing account, visit the Clerk's office website. <http://www.kingcounty.gov/courts/Clerk/E-Filing.aspx>

7) What if I cannot meet the requirement to e-file?

If you are an attorney and are unable to electronically file for whatever reason, you must apply to the Clerk for a waiver to file documents in paper form. Waiver requests may be made for a single document, an entire case, or a specific period of time. The Clerk will consider each application and will provide a written approval or denial to the requestor. You may continue to file documents in paper form while your request is being processed. If the waiver is denied, all future filings submitted in paper form may be assessed a faulty document fee.

8) I am on a tight deadline and am a first-time e-filer that has not set up my e-filing account yet—can I file in paper form?

If you are an attorney and a first-time e-filer who is unable to set-up an e-filing account before a filing deadline, you may file your documents in paper form with a completed waiver application attached. Your documents will be accepted for filing while your waiver application is being considered.



9) What will the Clerk's office do if I do not e-file my documents?

If you are an attorney and you fail to comply with the court rule you may incur a faulty document fee for each document which should be e-filed but is filed in paper form.

10) If I e-mail my documents to the Clerk for filing, will I meet the requirement to e-file?

No. Documents must be submitted to the Clerk via the E-Filing application.

11) Do I need to submit all my documents electronically?

The local rule excludes certain documents from e-filing—these documents *must* be filed in paper form only (LGR 30 (b)(5)):

(A) Documents That Shall Not Be E-Filed. Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;*
- (ii) Certified records of proceedings for purposes of appeal;*
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;*
- (iv) Documents presented for filing during a court hearing or trial;*
- (v) Document for filing in an Aggravated Murder case;*
- (vi) Administrative Law Review (ARL) Petitions;*
- (vii) Interpleader or Surplus Funds Petitions; and*
- (viii) Documents submitted for in-camera review, including documents submitted pursuant to LGR15*

The above-excepted documents must be filed in paper form.

Additionally, certain documents *may* be e-filed, but are not required to be e-filed: 1) voluminous documents of 100 pages or more; and 2) summary judgment and trial by affidavit motions and supporting documents. See LGR 30 for more information.

12) Are there any documents that I cannot file electronically?

Yes. Pursuant to GR 30 and LGR 30, certain documents cannot be filed electronically. See LGR 30 for the specific list of documents that are to be filed in paper form only.

Documents that previously were *not* to be filed in the court file under any circumstances are still not to be filed in the court file. Examples of these types of documents are negotiable instruments, exhibits, and trial notebooks.

13) I have a case initiated before 2000 that is still active. Can I e-file documents in cases filed prior to the year 2000?

No. Documents to be filed in cases initiated prior to January 1, 2000 are an exception to the mandatory e-filing rule and must be filed in paper form. See LGR 30.



14) Can I use the E-Filing application to initiate a new case?

Yes, for most cases. Please see [LGR 30](#) for a list of documents that shall not be e-filed.

15) Am I required to e-file new cases?

For most new cases the answer is "Yes"; however, there are certain exceptions. Please see [LGR 30](#).

16) Can I e-file anytime, including weekends and holidays?

Yes. The [E-Filing application](#) is available for use anytime on any day. However, documents submitted after 4:30 pm Monday through Friday, or on weekends and holidays, will be filed on the next regular business day.

17) How do I sign e-filed documents?

See [GR 30](#) for accepted procedures for signing electronic documents.

18) If a Judge e-files an order, how do they sign it?

When Judges sign *electronically filed orders* they will do so using a digital signature. Digital signatures consist of a 'hash' of characters that is unique to each order to which it is applied:

This document is signed in accordance with the provisions in GR 30.
Certificate Hash: 32D399B117C5761F71F2FE1ED7927F34CF5279E3
Certificate effective date: 5/6/2008 12:20:09 PM
Certificate expiry date: 5/6/2010 12:20:09 PM
Certificate Issued by: CN=Washington State CA B1, OU=State of Washington
CA, O=State of Washington PKI, C=US

In addition to this digital signature 'hash' many judges who will be electronically signing orders have elected to also have an image of their pen and ink signature applied to the signature page that is appended to e-filed orders. This signature page will always be the last page. Please note that, for the time being, the vast majority of orders will continue to be signed in hard copy and scanned as they have been in the past.

19) Can I serve other parties and counsel electronically?

Yes. [GR 30](#) allows for parties to electronically serve documents on other parties if they agree to accept e-service. The Clerk's E-Filing application allows parties to opt-in to e-service on a case by case basis. Please go to the [E-Filing application](#) sign in, and select the link to 'Opt-In to E-Service'.

20) Am I supposed to e-file proposed orders?

No. Proposed orders are not filed, unless as an attachment to the original e-filed motion. Proposed orders should be included as part of your Ex Parte via the Clerk and Working Copies submission. Please see the FAQ section on Ex Parte via the Clerk and Working Copies for more information.



21) When I e-file a document(s), is it automatically submitted to Ex Parte via the Clerk?

No. After you complete the e-filing process, you must proceed to the 'E-Ex Parte via the Clerk' component of the E-Filing application to compile your Ex Parte submission and pay the required \$30.00 fee. You can get to this component from the confirmation receipt after filing into an existing case or from the Status tab under the My Cases option on the home page when initiating a new case.

For addition E-Ex Parte via the Clerk information, please view:
<http://www.kingcounty.gov/courts/Clerk/Ex%20Parte>

22) When I e-file a document(s), are working copies automatically sent to the court and parties?

No. E-Filing a document(s) and creating an electronic Working Copies submission for the court are two separate processes within the E-Filing application. You can get to this component from the confirmation receipt after filing into an existing case or from the Status tab under the My Cases option on the home page when initiating a new case.

For additional E-Working Copies information, please visit:
<http://www.kingcounty.gov/courts/Clerk/E-Working%20Copies>

23) How do I e-file sealed documents?

Please see LCR 79(d) (6) for the requirements for submitting sealed documents. There is not a separate process to e-file sealed documents.

Note: e-filed documents are not available for public viewing until they have first been reviewed and processed by the clerk.

24) How do I obtain a 'Writ of Garnishment' or 'Writ of Execution'?

These processes are not changing; you can present it in person or send it by mail.

25) Can I still fax my documents to the clerk for filing?

No. Effective July 1, the Clerk's Office will not accept fax filings. You may continue to fax file pursuant to GR 17 until that time.

26) Is there training available to learn how to e-file?

Yes. The Clerk's office regularly provides demonstration sessions for users of the E-Filing application. Materials from the demonstration sessions are also available online. For information about training resources, visit the Clerk's e-filing webpage.



Processing Questions

27) Can I view my documents after e-filing?

You can view your recently e-filed documents through your e-filing account under 'My Cases>Status' tab for 30 days post submittal date. After the documents' status has changed from 'pending' to 'filed', you may either use the Clerk's [ECR Online](#) application to view documents, come to one of the three [courthouses](#) and access ECR in our public viewing areas, or submit a [correspondence request](#) to the Clerk's Office.

Note: [ECR Online](#) access is limited to Criminal, Civil, and Probate cases which were filed (initiated) after November 1, 2004. You cannot view Domestic cases (Divorce, Legal Separation, Child Support, etc), Guardianship cases or Protection Orders via the internet.

28) How long will it take for my document to be processed?

Generally, documents are viewable through the ECR application within one business day, and fully processed within three business days.

29) Can my e-filed documents be rejected for filing? How will I know?

Yes. The Clerk may reject e-filed documents. The Clerk will notify you if your documents, or case, cannot be accepted for filing. An e-mail notification will be sent to your E-Filing application user account e-mail address. You may also check the status of your filings, and whether a document has been filed or rejected, in the E-Filing application under the 'My Cases > Status' tab.

30) How do I receive my case schedule?

For managed cases, an Order Setting Case Schedule will be automatically generated after you have completed the e-commerce transaction. You will be able to print and/or save a copy of your schedule from you Confirmation Receipt.

You may view your e-filed documents, including you case schedule, in recently initiated e-filed cases through your e-filing account under 'My Cases>Status' tab for 30 days post submittal date. After the documents have been processed, you may use the Clerk's [ECR Online](#) application to view the documents.

31) Do I still have to file a Case Assignment Designation and Case Information Cover Sheet (CICS)?

No. The [E-Filing application](#) will automatically create and file a Case Assignment Designation and Case Information Cover Sheet based on selections you make when e-filing your documents.

32) Can I obtain certified copies electronically?

No. Electronic delivery of certified copies is not available at this time.



Technical Questions

33) What document file format types will the E-Filing application accept?

The E-Filing application will only accept Portable Document Format (PDF) and Tagged Image File Format (TIFF) electronic documents when filing into an existing case, starting a new case or for 'Ex Parte via the Clerk' submittals. The 'Working Copies' E-Filing application component will also accept MS Word (.doc) and Word Perfect files for proposed orders.

34) Do I need any special computer hardware or software to e-file?

To use the E-Filing application you will need an internet connection (we recommend a high-speed connection), an active e-mail account, and the ability to convert your documents into the accepted file formats (PDF or TIFF). If you will be converting documents from paper to an electronic format a scanner will be necessary.

35) How do I convert a paper document into an electronic copy if I do not have a scanner?

Scanners available for public use are located at the King County Law Library in the downtown Seattle Courthouse and in the Clerk's Office Customer Service area at the Maleng Regional Justice Center in Kent.

36) *What if I am unable to successfully upload and e-file my PDF document?*

If you are having trouble submitting your PDF document into the E-Filing application, your PDF file may be incompatible with the application's file validation requirements.

The application is currently compatible with Adobe Acrobat 5.0 or less. Some newer versions of Adobe Acrobat Writer will allow you to save your document as a lower version by clicking the 'Documents' tab, choosing to 'Reduce File Size', and selecting the 'Adobe 5.0 or later' option.

Alternatively, you could choose to download "Cute PDF" from <http://cutepdf.com> (choose the FREEWARE download version). Once you have Cute PDF on your computer, open your document and select to 'print'. From your printer options choose the 'Cute PDF Writer' option. This action will create a new PDF document file. "Re-saving" your existing PDF files in this same way will also reconcile validation issues with page orientation or width. You should be able to successfully submit your newly saved PDF documents, created using either method, into the E-Filing application.

37) *May I use the Adobe Typewriter tool to add text to a PDF document file prior to e-filing?*

You may; however, please be advised that Adobe Typewriter text is not compatible with the E-Filing file validation process and therefore the added text will not appear on the e-filed document unless, before e-filing you:

1. Print, scan and upload the scanned document file into the E-Filing application; or



2. Convert the document into a new PDF document using the freeware 'Cute PDF' tool (see #36).

38) Are there file size limits for e-filed documents?

Yes. Individual documents to be e-filed cannot exceed 5 MB. The total size of all documents to be submitted in a single e-filing session cannot exceed 50 MB.

39) What do I do if the document I want to e-file is under 100 pages yet exceeds the file size limit and the E-Filing application won't accept it?

You can break the individual document into separate files that do not exceed the 5MB file size limit. Those separate files can then be uploaded as attachments to the main document. Note, that after processing by the clerk, all separately uploaded attachments will be merged with the "lead" document and will from that point forward appear as a single document.

40) How do I e-file large sized or bulky documents, such as maps?

If you are unable to shrink and re-size the document into an acceptable physical size for e-filing, a hard (paper) copy of document may be submitted to the Clerk. The document will be subsequently processed and maintained as a file exhibit. The document will not become part of the permanent case file and you will be assessed the \$20.00 exhibit processing fee.

41) How do I get technical support if I have a problem with the E-Filing application?

If you experience technical problems with the E-Filing application, you may contact our help desk at (206) 205-1600 or by sending an email to Eservices@kingcounty.gov. Our office can only assist with questions relating to e-filing and cannot address questions relating to your hardware or software systems or your internet connectivity.

42) What if my internet connection is down?

It is your responsibility to obtain access to a working internet connection. There are numerous locations that offer free internet access to the public, including public libraries, the [King County Law Library](#) on the 6th floor of the downtown Seattle Courthouse, and at the Maleng Regional Justice Center in Kent.

43) What do I do if the E-Filing application is down?

In the unlikely event that the E-Filing application is down unexpectedly, you will be directed to an alternate website (kcscclerkefilingstatus.com) which will provide you with instructions on how you may file your documents. You may also call 206-296-9300 or our e-services clerk at 206-205-1600 for help and information.



44) What if the King County website is down and I cannot access the E-Filing application?

In the event that the King County network is down, you may call 206-296-9300 or our e-services clerk at 206-205-1600, or go to: kscclerkefilingstatus.com for instructions on how to file your documents.

45) Will I be notified if the E-Filing application will be taken down for system maintenance?

Yes. Periodically we will be taking the system off-line to perform routine maintenance, generally after hours or on weekends. During these times, we will provide notice on our E-Filing Sign On page.

Ex Parte via the Clerk FAQs (Ctrl & Enter to follow link)

Working Copies FAQs (Ctrl & Enter to follow link)

DECLARATION OF SERVICE

I, Linda Fierro, state:

On this day I caused to be delivered by mail to:

Court of Appeals, Division I for filing;

And to:

Kirk Wines
210 Crockett Street
Seattle, WA 98109

A copy of the following document:

REPLY BRIEF OF APPELLANT

Declarant is a resident of the State of Washington and over the age of eighteen (18) years. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 26th day of August, 2010

at Seattle, Washington.

Linda Fierro
Linda Fierro