

Tracy, Mary

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Sent: Wednesday, February 22, 2017 8:53 AM
To: Tracy, Mary
Subject: FW: Proposed GR 30 Comments

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From: Hinchcliffe, Shannon
Sent: Wednesday, February 22, 2017 8:33 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Tracy, Mary <Mary.Tracy@courts.wa.gov>
Subject: FW: Proposed GR 30 Comments

Received through the rulescomments@courts.wa.gov website. Please post the comments to the webpage. Thank you.

From: F. Jardine [<mailto:f.jardine@jardinelawfirm.com>]
Sent: Tuesday, February 21, 2017 12:41 PM
To: AOC DL - Rules Comments <RulesComments@courts.wa.gov>
Subject: Proposed GR 30 Comments

Proposal to amend GR 30

GR 30 Electronic Filing and Service

- Permit electronic filing of certified records of proceedings, conforming to practice;
- Strike the corresponding reference prohibiting such in the comment;
- The current rule permits electronic service of documents only when 1) local rule mandates electronic filing, and 2) the parties agree to accept electronic service. The CMC recommends striking the phrase "only by agreement" to reflect current practice;

Comment:

There are some major negative implications if this change passes. Some have already submitted comments in opposition.

I strongly object the striking of the phrase "only by agreement".

Contrary to the commentary by the proponent, this does not reflect current practice. The change is not trivial as the comment implies. While I am certain there are more examples, I am providing one that clearly shows that

removing consent can result in an unfair advantage to one party at a minimum and more importantly can impede access to justice for the client.

I am all for the rules reflecting technological advances, but these changes should not be made in a vacuum without considering the ultimate consequences. *Electronic service should be permitted, but only in situations where the parties agree.* I have heard that once the rules are made available for comment, they always are enacted. I certainly hope that is not the case and that my comment as well as others get appropriate consideration.

Sincerely,



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