

Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Thursday, January 05, 2017 9:02 AM  
**To:** Tracy, Mary  
**Subject:** FW: comment on proposed changes to GR 30 Electronic Filing and Service

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**From:** Jon M. Zimmerman [mailto:jon@seattletrafficattorneys.com]  
**Sent:** Wednesday, January 04, 2017 6:23 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** comment on proposed changes to GR 30 Electronic Filing and Service

Greetings:

I write to oppose changing GR 30 "to permit electronic filing of certified records of proceedings, conforming to practice." The drafters correctly observe that the current rule allows electronic service if mandated by local rule and if the parties consent. This current allowance under a local rule's mandate and the parties' consent also applies to electronic filing. However, the drafters' comments incorrectly state that striking the "only by agreement" language would reflect current practice. The change does *not* reflect current practice, which requires consent and a local rule that allows electronic filing and service. Removing the requirements of a local rule and consent would fail to account for the differences in practices and technological utilization in different areas of the State of Washington and removing consent would hinder, not foster, access to justice.

I represent citizens in courts of limited jurisdiction throughout Washington, and I have traveled on behalf of clients to district and municipal courts in close to 30 counties. Although I have enjoyed seeing the consistent beauty of so many places in the State of Washington, the reality of our courts is that court operations are different in East Klickitat than they are in King County, and different in Redmond than they are Ritzville. In addition, there is a digital divide across Washington courts of limited jurisdiction as some courts use paper files and other courts store case files electronically. Some courts have public WiFi, some do not. Some members of the public are financially well-off and can afford fancy electronic devices, while some courts cannot afford to support old technology, let alone purchase new technology. Because of these differences, getting rid of the "only by agreement" language and forcing electronic filing and service onto citizens that don't have the means to view such filing and service is not only unfair, but such a practice would not promote access to justice nor instill confidence in the judicial branch.

There may be a time in which it makes sense to remove consent for electronic filing and service, but any such change to a state court rule should first affect attorneys only. Moreover, any statewide change should only be implemented when the technology is consistent and that same technology can be implemented statewide so that the technology is accessible outside of court as well as inside the courtroom. Such consistent application and access would better promote the access to justice that court users deserve.

While federal courts have for many years utilized the technology to allow electronic filing and service and these courts mandate electronic filing for *attorneys*, the mandate does not always extend to *pro se* parties. Here, with this amendment, the proposed rule change would apply to both represented and unrepresented parties, without providing for the technology and the funds for that technology in courtrooms and courthouses not fully funded by the State. As such, the proposed change falls far short of promoting access to justice as the proposal, if adopted, would create a barrier to justice rather than a pathway.

I urge the Court to vote against the proposed amendment to GR 30 and to vote against any amendment that makes access to justice more difficult for those individuals who seek to utilize the courts in this State.

Sincerely,

**Jon M. Zimmerman**

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