

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, May 03, 2017 11:59 AM
To: Tracy, Mary
Subject: FW: GR 30 Rule change -- Don't do it!

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

Questions about the Supreme Court Clerk's Office? Check out our website:

http://www.courts.wa.gov/appellate_trial_courts/supreme/clerks/

Looking for the Rules of Appellate Procedure? Here's a link to them:

http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=app&set=RAP

Searching for information about a case? Case search options can be found here:

<http://dw.courts.wa.gov/>

From: Martin Duenhoelter [mailto:martin@lawyerintacoma.com]
Sent: Wednesday, May 03, 2017 11:59 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: GR 30 Rule change -- Don't do it!

Dear Rules committee,

I practice in the area of traffic ticket defense. I have been doing this for 27 years, and am one of the senior practitioners in this area. Over the years, I have seen restrictions and tightening of rules against citizens, and relaxation of the rules in favor of Government. This is the exact opposite of fairness. First they decriminalized tickets, making them easier to prove. Second they waived the appearance of Police officers, making it extremely easy for the government to prove a case – with a piece of paper. Third, they no longer require presence of expert witnesses to prove the authenticity and functionality of the Speed measuring device. You tell me, good for the citizen or good for the government?

Now, non-permissive emailing of discovery? Who benefits again? Citizens?

Too much room for error. Email system down if sent the day before. Delay if continuances are necessary due to failed technology. "Oh but that is rare" you might say. I have personally seen courts come to a grinding halt due to computer errors, this did not occur in the past.

Of interest to me are the proponents of the rule. A committee comprised of court clerks. Of course this makes their job easier. But they did not sign up for easier. They signed up for great pay and benefits. No actual stakeholders are proposing this change.

We have been trying to get a seat at the table for a meaningful discussion with your committee. My colleague Dan Samas inquired, and there is no room for us. Doesn't seem fair to not discuss this with the people it will affect.

The pre-printed forms purporting to be specific sworn testimony for that day are bad enough, as well as E-signatures. Don't make this worse. It's not about "conforming to practice" as the proponents of this change argue.

. Non-permissive anything is not standard practice anywhere.

Strike this change down as Bilbo struck down Smaug.

Or at least let us come talk to you about Rule reform in a meaningful, in person, non-email type of way. We will gladly donate our time.

Thank you,
Martin Duenhoelter
WSBA 19545