

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, December 08, 2016 11:26 AM
To: Tracy, Mary
Subject: FW: GR30 rule change objection

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From: Law Office Of Mitch Greene [mailto:speedinginseattle@outlook.com]
Sent: Thursday, December 08, 2016 11:03 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: office@speedinginseattle.com
Subject: GR30 rule change objection

Dear Court,

I would like to voice my objection to the proposed changes to 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;

I object the striking of the phrase "only by agreement". It seems the CMC believes that current practice is to not require agreement and therefore the language is superfluous. This is not the case, the language is needed, otherwise it will allow prosecutors the ability to play with the rules to the detriment of our clients. Contrary to the commentary by the proponent, this does not reflect current practice. The change is not trivial as the comment implies. As it stands now, in courts of limited jurisdiction, the courts do not send an acknowledgement of filing for electronic documents, so why are we making the rule less restrictive rather than enforcing it?

I primarily deal with traffic infractions and the IRLJ's are clearly one sided for the prosecution, (see IRLJ 2.2(d), now extended to 5 bs days even though we have electronic tickets (why wasn't this reduced back to 24-48 hours?) IRLJ 3.1(a) requiring filing subpoena with prosecutor, but the reverse is not true)). By allowing the unilateral filing of electronic documents it circumvents many of the timing rules in the IRLJ's and likely will cause confusion with pro-se litigants about the correct location, junk mail etc. Additionally, it could lead to the prosecutor inundating defense attorneys with discovery on the day before a hearing with no penalty whatsoever.

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,

Mitch Greene, 22114