

Tracy, Mary

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Subject: FW: GR 30 Proposed Change (eservice WITHOUT an eservice agreement)

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From: Nicole Dalton [mailto:nicole@daltonlawoffice.net]
Sent: Wednesday, January 25, 2017 10:10 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: GR 30 Proposed Change (eservice WITHOUT an eservice agreement)

To Whom It May Concern:

I respectfully ask the court to reject proposed change to GR 30, incorporating e-service without and e-service agreement. I believe that the proposed change to GR 30 will be tremendously burdensome on parties and the courts.

In my experience, e-mail is often quite unreliable. There are times when e-mails are rejected for unknown reasons, captured by SPAM filters at the ISP level, captured by SPAM filters on the individual PC, and otherwise lost to the vagaries of the internet. In addition to these risks, so many companies and services require provision of e-mail addresses that my inbox is choked with unsolicited advertisements and announcements, in addition to listserve emails, emails from clients, opposing parties, courts, staff, and others to the point where I often confront up to 100 or more e-mails per day, not including listserves that I direct to different folders. I have a busy litigation schedule, and am often in court and out of the office conducting discovery, so staying on top of my inbox is nearly impossible.

On the other hand, my office staff handles incoming deliveries of mail and hand delivered items. They are trained to log the arrival of all documents, they recognize important documents and can draw my attention immediately whenever needed. Circumventing the important safety net and regularity provided by requiring hand or mail delivery of documents will likely have the effect of increasing litigation over whether documents have been timely served and complicate matters of proof in regards to receipt of documents.

I have been forced to litigate matters relating to service and the timeliness of service even where documents were delivered by hand and opposing counsel has provided a version of the facts quite inconsistent with my own understanding. When we documents served by hand and by mail, we have witnesses and postmarks that constitute strong evidence regarding issues of timing and service, which are not infrequently disputed in the courts. Relying on computers to document service increases the risk of having service fail and lends itself to unscrupulous behavior by

lawyers willing to take advantage of the inherent risks and misrepresent the electronic trail, as opposed to the more reliable paper trail created by sentient human beings.

I strongly object to this proposed change and hope it is rejected. Thank you for your consideration.

Sincerely,

Nicole Dalton
Attorney at Law

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