

Tracy, Mary

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From: Teresa Chen [mailto:tchen@co.franklin.wa.us]
Sent: Wednesday, November 09, 2016 1:50 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Change to GR 30

The proposed amendment to the rule would remove the "only by agreement" language so as to require all attorneys to accept service by email.

A concern is that without this language, we cannot specify *which email address* is appropriate for service.

In a recent case, opposing counsel did not contact me per the "agreed" language but served me at a long defunct email address that was not on my notice of appearance and not on the bar website. I only learned that the motion had been filed when the court of appeals set phone argument. I made a late objection to the motion, and the commissioner ruled in my favor. But it was the kind of motion that the court could easily have decided against me without waiting for any reply on my part.

Under the existing rule, when parties contact each other for their agreement as to email service, we are able to specify the appropriate address. And many of us have set up special service addresses.

If we are not solo practitioners, we want to be served at an email that is regularly checked by more than one person in case of illness, vacation, or termination of employment. And we don't want to allow others in our office access to attorney email inboxes where there will be content on highly confidential matters or personnel issues or information subject to a Chinese wall. So our offices create service email addresses by department. Outlook can automatically distribute emails received at such an email address to specified department staff and attorneys.

The intended purpose of the amendment is to conform to current practice. Current practice requires an agreement as to the proper service email address.

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