

## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Friday, April 28, 2017 4:13 PM  
**To:** Tracy, Mary  
**Subject:** FW: Court Rule Changes: CrR 3.4, CrRLJ 3.4, GR 17, GR 30, GR 36

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**From:** Fitzgerald, Timothy W. [mailto:TFITZGERALD@spokanecounty.org]  
**Sent:** Friday, April 28, 2017 3:53 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Josie Delvin <josie.delvin@co.benton.wa.us>; Barb Christensen <bchristensen@co.clallam.wa.us>; Ruth Gordon <rgordon@co.jefferson.wa.us>; Kim Morrison <kim.morrison@co.chelan.wa.us>  
**Subject:** Court Rule Changes: CrR 3.4, CrRLJ 3.4, GR 17, GR 30, GR 36

Dear Members of the Court Rules Committee,

Thank you for the opportunity to provide input to the proposed changes to CrR 3.4, CrRLJ 3.4, GR 17, GR 30 and GR 36. The following input is being provided on behalf of the Washington State Association of County Clerks.

1. The Clerks Association is a huge supporter of modernizing the Court Houses so we support the proposed changes for CrR 3.4 and CrRLJ 3.4.
2. For GR 17 (Facsimile Transmission) we have previously submitted a proposed change back in December 2016 pertaining to paragraph (a), sub-paragraph (4) referencing the fee. The paragraphs states that Clerks may charge reasonable fees to be established by the Office of the Administrator for the Courts, for receiving, collating and verifying fax transmissions. We propose the following new language for sub-paragraph (4): Clerks may charge reasonable fees, as established in statute, for receiving, collating and verifying fax transmissions.

Additionally, for GR 17 Clerks feel the affidavit requirement in GR 17 helps clerks to ensure the faxed document is complete and that the records we maintain are true and accurate. While this is normally done through the existence of an original signature – that cannot be done via a facsimile on its own. Therefore, an affidavit is necessary. The Clerks prefer to keep the Rule as currently written and not eliminate the requirement for an affidavit on facsimile transmitted documents.

Finally, for GR 17 the Clerks prefer to maintain the requirement of filing on “bond paper”. This requirement refers to the possibility that someone may receive a pleading by an old-fashioned Fax machine and then file it with the clerk. The paper retention quality of bond paper is needed to preserve the quality and durability of documents filed in the Clerk’s office. As keeper of the official records Clerk must insure the preservation of the record. Paper weights such as thermographic paper lose their quality long before the retention schedule expires requiring Clerks to photo copy those documents to protect the images. These additional administrative steps can be eliminated if bond paper products were initially used. Clerks prefer to keep the Rule as currently written and not eliminate the requirement for bond paper, especially in light of the fact that this process will be obsolete in the future.

3. The Clerks Association fully supports the transition to electronic filing. We support the proposed changes to GR 30 (Electronic Filing and Service).

4. The new proposed GR 36 is centered on Trial Court actions. This proposal is outside the duties and responsibilities of the Clerk's Office.

Sincerely,

*Timothy W. Fitzgerald*

Spokane County Clerk

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