



WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Tim Fitzgerald, President
Spokane County Clerk
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September 29, 2020

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Comment to Proposed Changes to JISCR 13

Dear Clerk of the Supreme Court:

The Washington State Association of County Clerks opposes the changes to JISCR as published. We write to suggest some improved language to the proposed changes to JISCR 13.

First, we offer language to clarify that the State's electronic records system actually contains case data, not case documents. We don't see this as controversial, because for decades local courts and clerks have been uploading data into the state's court database, not documents. Precision in the use of language creates better rules.

The fundamental issue we seek to address with these edits is the recognition of the county clerk's role relative to local court data systems. The currently published version, submitted by the Judicial Information System Committee, was drafted prior to the Supreme Court's unanimous decision in *Judges of Benton and Franklin County vs. Killian*. It neglects to recognize the county clerk in the decision making process about electronic data systems. We insert the clerk into almost every paragraph of the rule. Clerks do make decisions about court records and data entry and we assume the JISC would want the new rule to apply to clerks as well as to judges.

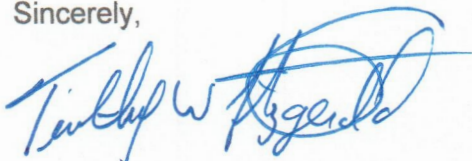
We also advocate changes that suggest a more congenial, collaborative approach to developing a schedule of events once a court or clerk has made the decision to implement a local system. We hold that the JIS committee should not "approve" a court or clerk's ability to leave the JIS systems, but we acknowledge and respect the committee's oversight role. Local courts and clerks have the authority to make decisions and spend local funds on which computer systems to use to support local operations. This rule can certainly dictate the obligations of courts or clerks who do so, but the JIS committee does not have the power to approve that local decision, and cannot give itself that authority through rulemaking. Also, we concur with the Kitsap County District Court judges that it is not appropriate that the JIS committee claims the ability to sanction local courts and clerks as proposed in the published rule changes.

Please feel free to contact me at tfitzgerald@spokanecounty.org or 509-477-3901, Ruth Gordon, Jefferson County Clerk at r.gordon@co.jefferson.wa.us or 360-385-9128, or Barbara Miner, King

Clerk of the Supreme Court
September 29, 2020
Page 2

County Clerk, at Barbara.miner@kingcounty.gov or 206-477-0777, should you have questions or want more information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Fitzgerald", with a stylized flourish at the end.

Tim Fitzgerald, President
Washington State Association of County Clerks
and Spokane County Clerk

Cc: Justice Charles Johnson, Chair, Supreme Court Rules Committee
Shannon Hinchcliffe, Staff, Supreme Court Rules Committee

RULE 13 ELECTRONIC LOCAL COURT RECORD SYSTEMS

Preamble

The purpose of this rule is twofold: to provide guidance to the local court and the Administrative Office of the Courts (AOC) when a local court intends to establish or replace an alternative electronic court record system in lieu of using the statewide court record system and to facilitate statewide data sharing in support of judicial decision making and public safety.

(a) An “electronic court record system” is any electronic court data records technology system that is a source of statewide court data identified in the JIS Data Standards for Alternative Electronic Court Record Systems (“JIS Data Standards”).

(b) Counties or cities may establish or replace local alternative electronic court record systems in compliance with procedures established by the with the approval of the Judicial Information System Committee (JISC). Counties or cities wishing to establish or replace a local alternative electronic automated court record systems shall provide advance notice of the proposed development to the ~~Judicial Information System Committee~~ JISC and the Administrative Office of the Courts (AOC) ~~Office of the Administrator for the Courts~~ at least 90 days prior to the start of the procurement process ~~commencement of such projects~~ for the purpose of compliance review, and approval.

(c) Upon receipt of notice, AOC, on behalf of the JISC, will transmit to the local jurisdiction an information packet including, but not limited to, the JIS Data Standards, corresponding Implementation Plan, information on the IT Governance process, and the statewide data repository onboarding process. The local court and/or county clerk will meet with the and AOC will meet to discuss the information packet, the schedule for implementation, and ongoing obligations. The schedule for implementation shall be negotiated between the presiding judge or county clerk and AOC and should not have an implementation date of more than 12 months from the local jurisdiction’s notice required in (b) above, unless agreed by the presiding judge or county clerk.

(d) After meeting with AOC to discuss the information packet, the presiding judge and/or county clerk will certify that they accept the obligation to comply with the JIS Data Standards and the corresponding Implementation Plan, to provide a system that will send the data to the statewide data repository, and to maintain and support the court’s local system and the integration with the statewide data repository. Upon such certification from the local court and/or clerk, the AOC will approve the proposal.

1 (e) Individual courts and/or county clerks are responsible for arranging resources for
2 implementing and maintaining locally procured electronic court record systems
3 and for programming and testing local systems that interface with the statewide
4 data repository.

5 (f) The court or clerk will supply data to the statewide data repository in accordance
6 with the JIS Data Standards. Any exchange with the statewide data repository
7 will contain the full and complete set of data in accordance with the JIS Data
8 Standards. If state and local timelines do not align, the JISC AOC and the court
9 or clerk may approve discuss a temporary reduced set of data that the court or
10 clerk must provide and method of transmission until the data exchange with the
11 local electronic court record system is fully tested and operational. Any reduced
12 set of data determined approved by the JISC prior to the effective date of this
13 rule will remain in effect until the data exchange with the local electronic court
14 record system is operational.

15 (g) As soon as practicable after selection of an electronic court record system the
16 court and/or clerk will provide a project schedule and a detailed plan for
17 integration to the statewide data repository and will also provide ongoing updates
18 and changes to the schedule and plan.

19 ~~(h) Any unresolved disputes arising from this rule may be referred to the JISC for~~
20 ~~resolution, including possible sanction.~~

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22 Comments:

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24 This rule recognizes that early and frequent communication and collaboration between
25 the local court and the AOC is essential for success. This rule also acknowledges that
26 the Judicial Information System Committee (JISC) and the AOC set statewide
27 information technology (IT) priorities through a JISC-adopted IT governance process.
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29

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Cc: [Tracy, Mary](#)
Subject: FW: WSACC Proposed Comments to JISCR 13
Date: Tuesday, September 29, 2020 3:53:38 PM
Attachments: [WSACC Letter for JISCR13 comment submission \(Sept 29\).pdf](#)
[JISCR13WSACCedits09292020.pdf](#)

From: Fitzgerald, Timothy W. [mailto:TFITZGERALD@spokanecounty.org]
Sent: Tuesday, September 29, 2020 3:49 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>; Barbara Miner <Barbara.Miner@kingcounty.gov>; Ruth Gordon <rgordon@co.jefferson.wa.us>; Alison Sonntag <Asonntag@co.kitsap.wa.us>; Josie Delvin <josie.delvin@co.benton.wa.us>; Tristen Worthen <tworthen@co.douglas.wa.us>
Subject: WSACC Proposed Comments to JISCR 13

Dear Clerk of the Supreme Court,

Attached are the explanation letter and JISCR 13 proposed comments from the Washington State Association of County Clerks. If you have any questions please contact me, my information is in the signature block below or Barbara Miner, King County Clerk, or Ruth Gordon, Jefferson County Clerk, whose information is in the explanation letter. Thank you for your attention in this matter.

s/f Tim

Timothy W. Fitzgerald
Spokane County Clerk
(509) 477-3901
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