# GR 3.1

**SERVICE AND FILING BY AN ~~INMATE CONFINED IN AN INSTITUTION~~ INCARCERATED PERSON**

1. If an ~~inmate confined in an institution~~ incarcerated person files a document in any proceeding, the document is timely filed if deposited in the institution’s internal mail system within the time permitted for filing.
2. [Unchanged.]
3. If an institution has a system designed for legal mail, the ~~inmate~~ incarcerated personmust use that system to receive the benefit of this rule. Timely filing or mailing may be shown by a declaration or notarized affidavit in form substantially as follows:

DECLARATION

I, [*name of ~~inmate~~ incarcerated person*], declare that, on [*date*], I deposited the foregoing [*name of document*], or a copy thereof, in the internal mail system of [*name of institution*] and made arrangements for postage, addressed to:

[*name and address of court or other place of filing*];

[*name and address of parties or attorneys to be served*].

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at [*city*, *state*] on [*date*].

[*signature*]

1. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after filing or service of a document, and if an ~~inmate~~ incarcerated person files or serves the document under this rule, that period shall begin to run on the date the document is received by the party.

**GR 5**

**AUDITS**

The judicial branch of the government of the State of Washington is a separate and co- equal division of said state government. The funds for operation of the judicial branch and many funds that pass through the courts are public funds of the state and/or of various subdivisions, agencies, or municipalities of the state. Every court in this state must, upon demand, submit all financial records of such court to the State Auditor or ~~his~~ their agents for inspection and audit, as to all funds received, disbursed, or in possession of said court.

# GR 10

**ETHICS ADVISORY COMMITTEE REGARDING ADVISORY OPINIONS ON JUDICIAL CONDUCT**

**(a)** The Chief Justice shall appoint an Ethics Advisory Committee consisting of seven members. Of the members first appointed, four shall be appointed for 2 years, and three shall be appointed for 3 years. Thereafter, appointments shall be for a 2-year term. One member shall be appointed from the Court of Appeals, two members from the superior courts, two members from the courts of limited jurisdiction, one member from the Washington State Bar Association, and the Administrator for the Courts or a designee. The Chief Justice shall designate one of the members as chair~~man~~. The committee (1) is designated as the body to give advice with respect to the application of the provisions of the Code of Judicial Conduct to officials of the Judicial Branch as defined in article 4 of the Washington Constitution and (2) shall from time to time submit to the Supreme Court recommendations for necessary or advisable changes in the Code of Judicial Conduct.

**(b) - (c)** [Unchanged.]

# GR 12.4

**WASHINGTON STATE BAR ASSOCIATION ACCESS TO RECORDS**

**(a) – (g)** [Unchanged.]

# (h) Review of Records Decisions.

* 1. [Unchanged.]
  2. *External Review*. A person who objects to a records review decision by the Bar’s Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) – (B) [Unchanged.]The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or ~~his or her~~ their designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or ~~his or her~~ their designee.

(D) [Unchanged.]

**(i) - (j)** [Unchanged.]

# GR 21

# EMERGENCY COURT CLOSURE

1. **Generally.** A court may be closed if weather, technological failure or other hazardous or emergency conditions or events are or become such that the safety and welfare of the employees are threatened or the court is unable to operate or demands immediate action to protect the court, its employees or property. Closure may be ordered by the chief justice, the presiding chief judge, presiding judge or other judge so designated by the affected court in ~~his or her~~ their discretion during the pendency of such conditions or events.

**(b) – (c)** [Unchanged.]

# GR 23

**RULE FOR CERTIFYING PROFESSIONAL GUARDIANS**

**AND CONSERVATORS**

**(a) – (b)** [Unchanged.]

# Certified Professional Guardian Board.

* 1. – (6) [Unchanged.]

(7) *Conflict of Interest*. A Board member should self-disqualify ~~himself or herself~~ from making any decisions in a proceeding in which ~~his or her~~ their impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

1. – (9) [Unchanged.]

**(d) – (i)** [Unchanged.]

# GR 26

**MANDATORY CONTINUING JUDICIAL EDUCATION**

**Preamble.** [Unchanged.]

1. [Unchanged.]

# Judicial College Attendance.

1. [Unchanged.]

(2) A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve (12) months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve (12) months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

(3) [Unchanged.]

**(c) – (f)** [Unchanged.]

# GR 26 Standards

# WASHINGTON STATE JUDICIAL EDUCATION

**MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS**

**Section I:** [Unchanged.]

# Section II: General Standards for Continuing Judicial Education

1. **Credit for Continuing Judicial Education (CJE)**

During ~~his or her~~ their three (3)-year reporting cycle, each judicial officer must complete forty-five (45) hours of CJE credits, six (6) of which are in the area of judicial ethics. This requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the CEC, as described below.

1. – (e) [Unchanged.]

(f) A judicial officer may complete credits through other courses that directly aid the judicial officer in performing ~~his or her~~ their specific judicial duties and are approved by the CEC.

# 2. – 4. [Unchanged.]

# Section III: Program Accreditation

1. **– 4.** [Unchanged.]

# 5. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

* 1. Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing ~~his or her~~ their specific judicial duties;

(b) – (e) [Unchanged.]

# [Unchanged.]

# Section IV: - Section V: [Unchanged.]

# GR 29

**PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND LIMITED JURISDICTION COURT DISTRICT**

1. **– (e)** [Unchanged.]

**(f) Duties and Authority.** The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) – (12) [Unchanged.]

(13) Perform other duties as may be assigned by statute or court rule.

Commentary

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out ~~his or her~~ their responsibilities. There has been some comment that individual courts should have the ability to change the “duties and general responsibilities” subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

* It would create many “Presiding Judge Rules,” all of which are different.
* It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel.
* It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges.

The Unified Family Court subgroup of the Domestic Relations Committee suggested the presiding judge is given specific authority to appoint judges to the family court for long periods of time. Again the committee has not addressed the proposal; however, subsections (e) and (f) do give the presiding judge broad powers to manage the judicial resources of the court, including the assignment of judges to various departments.

**(g) – (*l*)** [Unchanged.]

# GR 30

**ELECTRONIC FILING AND SERVICE**

1. **– (c)** [Unchanged.]

# Authentication of Electronic Documents.

(1) *Procedures*

(A) – (B) [Unchanged.]

(C) A filer is responsible for all documents filed with ~~his or her~~ their user ID and password. No one shall use the filer’s user ID and password without the authorization of the filer.

(2) *Signatures*

1. – (C) [Unchanged.]

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses ~~his or her~~ their user ID and password to electronically file the citation or notice of infraction.

(ii) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses ~~his or her~~ their user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or a local secured system that the presiding judge designates by local rule. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) – (F) [Unchanged.]

(3) [Unchanged.]

1. [Unchanged.]

**GR 31.1**

**ACCESS TO ADMINISTRATIVE RECORDS**

***GENERAL PRINCIPLES***

**(a) – (b)** [Unchanged.]

***PROCEDURES FOR ADMINISTRATIVE RECORDS***

1. **Procedures for Records Requests.**
2. COURTS AND JUDICIAL AGENCIES TO ADOPT PROCEDURES. Each court and judicial agency must adopt a policy implementing this rule and setting forth its procedures for accepting and responding to administrative records requests. The policy must include the designation of a public records officer and shall require that requests from the identified individual or, if an entity, an identified entity representative, be submitted in writing to the designated public records officer. Best practices for handling administrative records requests shall be developed under the authority of the Board for Judicial Administration.

*COMMENT: When adopting policies and procedures, courts and judicial agencies will need to carefully consider many issues, including the extent to which judicial employees may use personally owned computers and other media devices to conduct official business and the extent to which the court or agency will rely on the individual employee to search ~~his or her~~ their personally owned media devices for documents in response to a records request. For judicial officers and their chambers staff, documents on personal media devices may still qualify as chambers records, see section (m) of this rule.*

(2) – (7) [Unchanged.]

**(d) – (o)** [Unchanged.]

# GR 33

**REQUESTS FOR ACCOMMODATION BY PERSONS WITH DISABILITIES**

1. [Unchanged.]

# Process for Requesting Accommodation.

(1) – (3) [Unchanged.]

(4) *Procedure*. An application requesting accommodation should be made on a form approved by the Administrative Office of the Courts and may be presented ex parte in writing, or orally and reduced to writing, to the presiding judge or officer of the court or ~~his or her~~ their designee.

(5) [Unchanged.]

1. **– (d)** [Unchanged.]

**(e) Denial.** If a requested accommodation is denied, the court shall specify the reasons for the denial (including the reasons the proceeding cannot be continued without prejudice to a party). The court shall also ensure the person requesting the accommodation is informed of ~~his or her~~ their right to file a complaint under the Americans with Disabilities Act of 1990 with the United States Department of Justice Civil Rights Division.

Comments

1. - [2] [Unchanged.]

# GR 34

# WAIVER OF COURT AND CLERK’S FEES AND CHARGES IN CIVIL MATTERS ON THE BASIS OF INDIGENCY

1. Any individual, on the basis of indigent status as defined herein, may seek a waiver of filing fees or surcharges the payment of which is a condition precedent to a litigant’s ability to secure access to judicial relief from a judicial officer in the applicable trial court.
2. The application for such a waiver may be made ex parte in writing or orally, accompanied by a mandatory pattern form created by the Administrative Office of the Courts (AOC) whereby the applicant attests to ~~his or her~~ their financial status or, in the case of an individual represented by a qualified legal services provider (QLSP) or an attorney working in conjunction with a QLSP, a declaration of counsel stating that the individual was screened and found eligible by the QLSP.
3. [Unchanged.]
4. An individual who is not represented by a QLSP (as that term is defined below) or an attorney working in conjunction with a QLSP shall be determined to be indigent within the meaning of this rule if such person, on the basis of the information presented, establishes that:
   1. ~~he or she is~~ they are currently receiving assistance under a needs-based, means-tested assistance program such as the following:

(i) – (v) [Unchanged.]

* 1. ~~his or her~~ their household income is at or below 125 percent of the federal poverty guideline; or
  2. ~~his or her~~ their household income is above 125 percent of the federal poverty guideline and the applicant has recurring basic living expenses (as defined in RCW 10.101.010(4)(d)) that render ~~him or her~~ them without the financial ability to pay the filing fees and other fees or surcharges for which a request for waiver is made; or
  3. [Unchanged.]

(4) – (5) [Unchanged.]

1. [Unchanged.]