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COURTS

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August 30, 2022

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Supreme Court Rules Committee
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Order Number 25700-A-1419
Proposed Amendments to IRLJs and related forms

Dear Justice Johnson and Justice Yu:

The Administrative Office of The Courts (AOC) shares many of the points about the proposed Amendments to IRLJs 1.2, 2.1, 2.4, 2.5, 2.6, 3.5 and related forms that Judge Kevin Ringus raised in his August 22, 2022 comment on behalf of the Uniform Infraction/Citation Committee (UICC). I am writing separately to highlight AOC concerns about implementation of these proposed rules and forms.

More than 40 years ago, the Supreme Court delegated to AOC the responsibility to prescribe the Notice of Infraction, IRLJ 2.1. This has worked well for decades because AOC staff understand the capabilities and limitations of state systems, are attuned to court processes and legal requirements, provide training and documentation for judicial officers and court personnel, and work collaboratively with multiple state agencies to operationalize electronic and paper-based systems. AOC has always brought judicial officers, the legal community, law enforcement, and state agency partners together through the UICC to help guide and direct its work under IRLJ 2.1 and the similar requirement for citation forms in CrRLJ 2.1. AOC began meeting with the UICC members in September 2021 to prepare for updates to the traditional paper and electronic versions of the forms. Unfortunately, AOC learned of the extensive proposed changes to the IRLJs after the Court's March 31, 2022 order to publish them for comment. By then, the UICC had already approved the required changes, had pivoted to minor edits and was working on implementation.

Implementing the considerable changes these proposed rules require before January 1, 2023 is not feasible. The proposed amendments would require changes to both the paper and electronic versions of the Notice of Infraction. Successful implementation requires coordination of at least four state agencies (AOC, DOL, WSP, and WaTech), state and local law enforcement agencies, and printers. The four agencies must align their resources to change their technology systems. State and local law enforcement must place their print orders in time to have supplies in hand before the law changes. More extensive language and process changes require more extensive training for law enforcement officers, judicial officers, and court personnel. This is why AOC and

the Uniform Infraction/Citation Committee started working on this process more than a year in advance.

The proposed rules would add new procedures. The new information may not even fit on existing infraction forms. Changing the size of the paper "ticket books" used by law enforcement statewide or adding pages to the electronic form that is printed by police officers and served roadside would require significant process changes and probably additional unbudgeted expenses for law enforcement, courts and others. A January 1, 2023 implementation is not feasible.

The proposed amendment to IRLJ 2.5(b) would create by rule a new two-step process following a failure to respond (FTR). This new two-step process could require reconfiguring the JIS Enterprise and local court case management systems. It may also require development of additional pattern forms. Insufficient resources are available to implement the proposed changes within the suggested timeframe.

Proposed Amendments to IRLJ 2.4 and 2.6 create inconsistent processes for traffic and non-traffic infractions. This will be challenging to implement in the forms and confusing for those who receive them.

For the first time, these proposals would imbed the actual infraction forms in court rule. The proposal also adds two entirely new payment plan forms to the IRLJs. Those forms are to be further developed and maintained by AOC and then approved by the Supreme Court. Including forms in court rules is an administrative challenge. Even minor changes such as adding a data field or moving a box on the form would have to be approved by the Supreme Court. This can complicate and delay implementation.

Notably, the proposed rules and forms do not address the electronic infraction forms. The overwhelming majority of infractions are now issued and filed electronically. The paper and electronic infraction forms are different for various reasons. Inserting one type of notice form in the court rule while disregarding the other is problematic. The proposed forms have not been through (and could benefit from) the vetting process with UICC partners to help ensure that changes are accurately and completely integrated into the relevant forms.

The AOC respectfully suggests that the Court decline to adopt the proposal at this time. The proponents could work with the District and Municipal Court Judges' Association on a new proposal. AOC and the UICC are always available to consult regarding infraction forms and implementation.

Thank you for your consideration. Please contact me if you have questions or concerns.

Sincerely,



Dawn Marie Rubio
State Court Administrator

cc: Ms. Vonnie Diseth, Director/CIO, AOC Information Services Division
Mr. Dirk Marler, Director, AOC Court Services Division
Mr. Chris Stanley, Director, AOC Management Services Division

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comments Proposed Amendments to IRLJs & Related Forms -- Order Number 25700-A-1419
Date: Tuesday, August 30, 2022 4:20:23 PM
Attachments: [image001.png](#)
[2022-08-30 AOC IRLJ Comment.pdf](#)

From: Rubio, Dawn Marie <DawnMarie.Rubio@courts.wa.gov>
Sent: Tuesday, August 30, 2022 3:58 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments Proposed Amendments to IRLJs & Related Forms -- Order Number 25700-A-1419

Good afternoon.

Please see attached.

Thanks. DMR

Dawn Marie Rubio, J.D.

State Court Administrator

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