



OFFICE OF THE JEFFERSON COUNTY CLERK

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Dear Clerk of the Supreme Court,

This letter is in response to the proposed changes to RAP 9.6 DESIGNATION OF CLERK'S PAPERS.

As a newly elected Clerk of a smaller county, I also serve the role of Appeals Clerk.

I'd like to share a few of my concerns with the proposed rule based on my experience:

**A Clear Definition of Exhibits** - Our trial clerk regularly receives hundreds of exhibits for pre-marking, but the majority of these exhibits are never used during trial. Does "all exhibits" mean everything that has been marked by the clerk, or just those that were referenced and/or admitted into the record? The proposed rule says all exhibits.

**Staff Resources** - I recently had a case where I spent the majority of the day categorizing and uploading Clerk's Papers to the Court of Appeals portal. The portal has a file size limitation of 120 MB per upload. Due to the nature of this tort case and the sheer quantity of maps and pictures filed, this necessitated breaking down the designated record into 25 separate files in order to transmit within the COA portal limits.

It would be a massive undertaking for this clerk to make copies of, or convert, all physical exhibits into electronic format at anyone's request. We would really struggle to absorb that requirement within our current workload of mandated duties, and that's *if* we had the resources to do it...

**Technology Costs** - We do not have a dedicated computer or copier that would include the required software and support to copy digital media. We have had to postpone going file-less due to technology challenges. Statutory copy fees will not cover the necessary cost of equipment and supplies to make color copies or copy/convert exhibits in a digital format, let alone a program or mechanism for transmitting a large amount of data securely.

**Exhibits with Protected Information** - I have concerns about copying and distributing exhibits that contain protected financial or personal information. What kind of record does duplication of a court exhibit create, and would it then be subject to public disclosure and retention?

In the same way the Case Summary assists counsel in submission of Designation of Clerk's Papers, utilizing the filed Exhibit List for exhibit designation purposes seems infinitely reasonable, and would effectuate appellate counsels' ability to choose which exhibits would support the issues before the Court. In the event that only inspection will do, we happily make them available for in-person review. Port Townsend is a lovely destination!

Technology has evolved, and the rules regarding management of court records and exhibits have not kept pace. The solution is for all judicial partners to work together to implement a holistic approach that will make the entire system more efficient and accurate. I participated in a meeting in January of this year regarding an ITG actively addressing digital evidence management - we are heading in that direction.

It would be extraordinarily helpful to not enact any rule changes until we clarify some questions around what defines an exhibit, and an accessible exhibit management solution that will support all stakeholders is addressed.

Thank you, I appreciate your time and consideration of the record keepers' perspectives and concerns.



Amanda Hamilton  
Jefferson County Clerk