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Subject: [Rule Proposal Comment] Designation Of Clerk's Papers And Exhibits (Washington State Office of Public Defense)-Frank W. Jenny

On behalf of Franklin County, we urge rejection of proposed RAP 9.6(b). The position of Franklin County Clerk Michael J. Killian is that it is the duty of the clerk to keep the record secure, not to remove exhibits and make copies of them. Like many clerk's offices in smaller counties, the Franklin County Clerk's Office does not have the staff and resources to make copies of every exhibit in each case that is appealed. Moreover, the rule is completely unnecessary. Trial counsel is obligated to assist appellate counsel. Trial counsel will have already received full discovery, including copies of all exhibits. The proposed rule would require the clerk to make copies of materials that are already possessed by the appellant's legal team.