

**OFFICE OF JENN BIGGAR
DOUGLAS COUNTY CLERK**

PO Box 516 · Waterville · Washington · 98858

April 30, 2024

Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Changes to RAP 9.6 Designation of Clerk's Papers

Dear Clerk of the Supreme Court,

This letter is to address my concerns regarding the proposed changes to RAP 9.6 Designation of Clerk's Papers. While I understand the importance of OPD being able to access court exhibits, I also have some concerns with the proposed language.

First, while I do agree there is a statutory fee structure, I do not believe that the fees associated with the proposed changes will be covered by the current fee schedule. For example, Clerks are currently allowed to charge fifty cents per page for physical copies and twenty-five cents per page for e-mailed copies. Color ink is significantly more expensive than black ink, not to mention the cost of color copiers. For this reason, my office does not have a color copy machine. Emailing copies in color creates obstacles for Clerks because of the higher resolution and emailing restrictions. Large files are often "bounced back" in emails and result in endless back and forth between the sender and receiver.

Secondly, I believe the language in the proposed changes that pertains to cumbersome exhibits is confusing. It suggests that it will not be mandatory to copy physical items that cannot be duplicated, but then suggest that Clerks may provide a photograph of items that cannot be copied. I believe this needs to be clarified. If the idea is for Clerks to take a photograph of items that cannot be copied on a copy machine, I think that is unrealistic. My office does not have the capabilities, time or staff to photograph all exhibits and submit them electronically to the parties. Especially if those photos must be in color to reflect the original exhibit. This would create a burden on clerks that we would be unable to maintain long term.

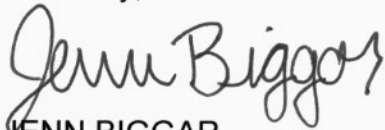
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While I do believe it is important for OPD to be able to view exhibits, I do not think the proposed changes are realistic for Clerks to maintain. If these changes are made, ongoing funding should be considered to help Clerks comply with these changes.

Thank you for your time and consideration of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Jenn Biggar".

JENN BIGGAR
DOUGLAS COUNTY CLERK