

Whitman County Clerk
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COLFAX, WASHINGTON 99111

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April 22, 2024

To the members of the Supreme Court,

I write regarding the suggested amendments to RAP 9.6 DESIGNATION OF CLERK'S PAPERS AND EXHIBITS and the GR9 Cover Sheet, Proponent Washington State Office of Public Defense.

Adopting the amendments suggested by the Office of Public Defense will have the following undesirable consequences within the Whitman County Clerk's Office:

- 1) Expose trial exhibits to increased risk of being lost, altered or damaged prior to being sent to COA
- 2) Significantly increase staff workload, which will slow the clerk's ability to prepare and submit designated pleadings and exhibits to COA in a timely manner
- 3) Expose county networks, hardware and software to increased risk of damage by infected files
- 4) Increase annual consumables, licensing, support, hardware and software expense to counties
- 5) Create additional electronic files within the Clerk's possession that are surrounded by ambiguity regarding retention. An audio file cannot be directly copied from one media to another media. It is copied from a media source, to a hard drive, then to the destination media which creates a new record.
- 6) Shifts the resulting burden of advocacy for legislated fee increases to recover the expense of managing electronic exhibits *from those who will benefit* from the rule change (OPD) *to those who the burden is being imposed upon* (the Clerks), who are already under resourced.

Finally, the proposed amendment would change a court rule to address a *temporary* situation for one entity (OPD), which should be correctly addressed via a *long term* solution involving all court parties (attorneys, Courts, AOC, Clerks). I believe that any amendment should only be considered after a hardware/software exhibit management solution is implemented statewide. As drafted, the rule change provides each of the 39 Clerks without necessary, specific direction for *how* the intended result will happen, which can only result in more inconsistency across 39 counties and more frustration.

Sincerely,

Jill Whelchel, Whitman County Clerk

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment on Suggested Amendment to RAP 9.6 DESIGNATION OF CLERK'S PAPERS AND EXHIBITS
Date: Monday, April 22, 2024 2:59:41 PM
Attachments: [image001.png](#)
[LTR Supreme Court from Jill Whelchel as Submitted.pdf](#)

From: Jill Whelchel <Jill.Whelchel@whitmancounty.gov>
Sent: Monday, April 22, 2024 2:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Suggested Amendment to RAP 9.6 DESIGNATION OF CLERK'S PAPERS AND EXHIBITS

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Attached are comments submitted in response to Order No. 25700-A-1550, IN THE MATTER OF THE SUGGESTED AMENDMENTS TO RAP 9.6—DESIGNATION OF CLERK'S PAPERS AND EXHIBITS.

Best,
Jill Whelchel, Whitman County Clerk



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