WAHKIAKUM COUNTY SUPERIOR COURT
OF THE STATE OF WASHINGTON

Kay M. Holland
County Clerk and
Clerk of Superior Court

Jess Reddon
Chief Deputy Clerk

Carla Driscoll
Deputy Clerk

64 Main Street • PO Box 157 • Cathlamet, WA 98612 • 360-795-3558 • superiorcourt@co.wahkiakum.wa.us

April 25, 2024

Dear Clerk of the Supreme Court,

In response to the proposed changes to RAP 9.6 Designation of Clerk's Papers, concerning access to trial records and exhibits, it is my belief that the solution presented is oversimplified and will result in further rule changes once the problem is properly identified. The true issue lies in outdated exhibit management processes and rules that haven't adapted to the digital mediums common in today's courtroom. The lack of technology for remote access adversely impacts many, particularly small counties such as Wahkiakum, and OPD's proposed rule shifts the burden onto Clerks without addressing systemic issues.

The points below highlight just a few of the challenges that need addressing before enacting any proposed changes:

- Definition of Exhibits: Clarification is needed on what constitutes "all exhibits".
- Access to Court Records: OPD's demand for remote access overlooks existing processes for accessing records. Presently, exhibits are not electronically scanned and stored due to the absence of a suitable system, making this proposal more than just a matter of simply making available electronic files.
- Clerk Duties: Copying exhibits isn't a duty outlined in statute, and existing rules efficiently utilize court resources. Requiring Clerks to copy all documents and exhibits would unduly burden Clerks with OPD's workload.
- Technology Costs & Digital Exhibits: Clerks can't absorb the massive task of converting all physical exhibits into electronic format. Our county certainly can't afford an exhibit management system, and OPD's suggestions impose significant costs on Clerks, which are unreasonable given the tight budgets we must work within. Additionally, County IT policies restrict our capability to ensure the integrity of digital exhibits, as connecting unknown digital devices to our network poses a potential security threat that we cannot risk.

In summary, the Superior Clerk's Office opposes the proposed rule for the reasons listed above and would advocate for a more comprehensive approach to exhibit management.

Thank you for your consideration.

Sincerely,

Kay M. Holland

Kay Holland
Wahkiakum County Clerk

From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: Response to proposed changes to RAP 9.6
Date: Thursday, April 25, 2024 3:34:27 PM
Attachments: Color0643.pdf

From: Kay Holland <hollandk@co.wahkiakum.wa.us>
Sent: Thursday, April 25, 2024 3:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Response to proposed changes to RAP 9.6

Please find the attached letter in response to the proposed changes to RAP 9.6.
Thank you,
Kay Holland

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