



SAN JUAN COUNTY WASHINGTON

Lisa A. Henderson, County Clerk

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April 28, 2024

Clerk of the Supreme Court

Re: Rules Comment – RAP 9.6

Dear Clerk of the Supreme Court:

I write to you today to express my opposition to RAP 9.6

First, this rule seems premature. Since COVID and the astronomical increase in remote hearings, including many bench trials, court technology has not been able to keep pace. This is especially pronounced in smaller jurisdictions that simply do not have sufficient resources to manage the demands. Most do not have the luxury of a designated appeal clerk or exhibit clerk. Now, we have a demand for these clerks to increase their handling of exhibits that would historically been either reviewed by appeal counsel in person or reviewed in consultation with trial counsel. The clerk would only receive a designation of exhibits.

There is a current ITG request to investigate a true electronic exhibit handling process that would allow electronic submission of exhibits and thus, an easier transfer of information to both the COA and appellate counsel. For this reason alone, it is my opinion that any consideration of a change to this rule should be rejected as premature. Please let technology catch up with the request.

Secondly, if passed, this rule will unfairly burden the clerk with finding a way to convert physically provided exhibits to an electronic format. Often there are hundreds of exhibits in an appeal. In one civil case in my county, I we handled over 500 exhibits, most of which were eventually designated. Some of these exhibits were hundreds of pages for one exhibit.

Finally, the rule is unclear about which exhibits are covered in the rule. Is this every exhibit marked by the clerk or only those ultimately admitted by the court.

For these reasons, on behalf of myself and the San Juan County Clerk's Office I humbly request that this rule be rejected in its current form as unwieldy and premature.

Thank you for your consideration.

Sincerely,

Lisa Henderson

San Juan County Clerk