



Stevens County

Office of County Clerk
and
Ex-Officio Clerk of Superior Court
Michelle Enright

April 29, 2024

Supreme Court Clerk

Re: Comment regarding proposed changes to RAP 9.6 Designation of Clerk's Papers

Dear Justices:

I write in support of the Washington State Association of County Clerks' comment regarding proposed changes to RAP 9.6 DESIGNATION OF CLERK'S PAPERS.

First and foremost, I believe that this rule change is putting the cart before the horse. We need an exhibit management system in place to upload and hold exhibits for all stakeholders to use. When working with a thumb drive that holds the court's original exhibit, there opens a potential of danger to that record each time you work with it that we have not had to face before with paper exhibits. That is a huge liability that clerks do not want to take on.

As to the costs that arise from OPD's request, I have concerns for what this change will impose on my office and county. We do not presently have a color copier, camera or "sandbox" computer to test USB drives. This would also require a station for the computer, and additional IT costs in my budget.

It is a constant battle to maintain an adequately trained staff to handle the workload in the Stevens County Clerk's Office. I am understaffed for the number of judicial officers and resulting dockets and trials we support. It takes late evenings each week for the office and 50-60 hours overtime per month from my chief deputy and myself to keep our heads above water. Though I approach my Board of County Commissioners yearly with data supporting my struggles, I am told there is no money in the budget to provide additional staff.

I have one appeals clerk who is also the jury management clerk, and I've already lost her to the courtroom due to jury management demands. This rule change doubles the appeals workload. My other clerks must be available to staff up to three courts a day and handle non-stop phone calls and counter traffic. Our e-filing has really taken off and increased the pull on our limited resources as well. We are still knee-deep in extra duties resulting from the Blake decision. I have no extra bodies to accommodate the additional duties this would create.

Beyond those logistics, I share in the concern regarding exhibits with protected information and the ambiguity regarding "all exhibits". What that means to me is all exhibits admitted, rejected or withdrawn. We routinely hand back to counsel the exhibits that were not offered and ruled on at the end of trial. That is how I was trained when my career in the Clerk's Office started in 1997. The ambiguous nature of the phrase "all exhibits" worries me about what OPD may mean by "all exhibits" and the liability in between, and I think it needs to be defined before moving forward.

Understandably, you've considered OPD's concerns and requests. Please also consider the Clerk's Association requests and allow time for AOC to get through the processes they need to go through to put in place an exhibit management system that will adequately address the concerns of all parties involved and provide a safe way to share the exhibits.

Thank you for your time and consideration.

Kind regards,



Michelle Enright

Stevens County Clerk

Secretary for the Washington State Association of County Clerks