

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment re proposed change to RAP 9.6 - Designation Of Clerk's Papers And Exhibits
Date: Wednesday, April 24, 2024 8:29:18 AM

From: Guthrie, Stephanie <Stephanie.Guthrie@kingcounty.gov>
Sent: Tuesday, April 23, 2024 5:09 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re proposed change to RAP 9.6 - Designation Of Clerk's Papers And Exhibits

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I am writing to oppose the adoption of a new section within RAP 9.6 stating, “**(b) Copies Necessary for Preparation of Designation.** On request, the trial court clerk shall provide, via postal mail, electronic mail, or Internet file transfer, copies of all documents in the court file and all exhibits, regardless of format, to the parties. Copies shall be in substantially the same form as the original (e.g., copies of color photographs must be provided in color), except that the clerk may provide photographs of cumbersome exhibits that cannot feasibly be copied, such as large maps or diagrams. The clerk may charge appropriate fees for copies in accordance with applicable law. Nothing in this subsection shall be interpreted to mandate copying of exhibits whose copying is otherwise prohibited by law, such as exhibits protected under RCW 9.68A.180. Nothing in this subsection shall be interpreted to mandate copying of exhibits that consist of physical items that cannot be duplicated, such as firearms, clothing, or drugs.”

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The proposed requirement that the clerk provide a copy of the entire court file and all exhibits to the parties on request places an unreasonable burden on the clerk, as the entire court file is often massive. Such requests are likely to become routine and overwhelming, and this Court lacks the ability to give clerk's offices the extra resources needed to comply with this unfunded mandate. The proposed change should be rejected.

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