



Pend Oreille County

-----TAMMIE A. OWNBEY-----

County Clerk & Clerk of Superior Court

-----Hall of Justice-----

229 South Garden Avenue, P.O. Box 5020

Newport WA 99156-5020

Phone (509) 447-2435 * FAX: (509) 447-2734

April 29, 2024

Supreme Court Clerk

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

Dear Justices:

I am writing to explain the problems the Pend Oreille County Clerk's office will have with changes proposed by OPD regarding RAP 9.6. My current exhibit management processes mostly involve paper, photos, or physical exhibits; therefore, our processes do not use a lot of current technology. We still handle exhibits the "old fashioned way" in most instances. We currently have very few of our exhibits in "electronic" format.

The change in law to allow electronic formats for exhibits has caused my court to struggle with the ability to provide a procedure and a safe way to view them. Even in our small court we have had pro se litigants present thumb drives with multiple incidents where the Judge only viewed one or two. We are forced to accept these drives without being able to mark what was actually viewed and admitted.

We do not have the equipment needed for this rule change nor the budget to purchase the items, such as a camera, color copier or machine to copy drives.

I am also an office of four people and the extra burden of copying and producing all our appeal exhibits would not be manageable with my current staff. We already stay late and come in early to get the job done. We do not have a budget for overtime, nor would the copy charges cover that expense.


There are so many problems with this rule that should not fall on the Clerk's Office to mitigate and fix. We are the keeper of the exhibits but not the copier or picture taker of

the exhibits. There are so many rules and decisions made about exhibits that the clerks are not a part of, that it would be impossible for them to make photos or copies of the exhibits accurately even if we had the staff and equipment to do so.

Understandably, times change, and procedures should follow. I would be in favor and support of implementing an exhibit management system or solution that would address all concerns from involved parties. There is a current ITG being proposed involving the County Clerks and the Court of Appeals for such a system. I am asking that you not put the cart before the horse in adopting these rules without a system in place for the changes.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Tammie A. Ownbey". The signature is written in a cursive, flowing style.

Tammie A. Ownbey
Pend Oreille County Clerk
Past President of the Washington State Association of County Clerks