
Lakewood Municipal Court

LMCLR GR1.9 ELECTRONIC FILING AND SERVICE

A. Definitions.

1. "Digital signature" and "electronic signature" are defined in RCW 19.34.020.
2. "Electronic filing" is the electronic transmission of information to a court or clerk for case processing.
3. "Electronic document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.
4. "Filer" is the person whose user ID and password are used to file an electronic document.
5. "OCourt" is an electronic scheduling forms program that integrates with the Judicial Information System (JIS) and allows for the electronic filing of court documents into local digital document storage systems.

B. Electronic Filing Authorization, Exception, Service and Technology Equipment.

1. While JIS remains the official depository of case information, the court uses OCourt in conjunction with Microsoft Live as a means to facilitate electronic filing of documents and data. Attorneys and other involved parties may set up password protected accounts in Microsoft Live that will allow for the transmission of data and documents to the court and to the parties as provided in (B)(2). Permission to access the program is given based upon the profile of the user and such permission is restricted to cases in which the user is involved. The court determines the level of security allowed by the user. The court may choose to update data in OCourt from other sources to maintain consistency with JIS data, but it is the primary responsibility of the account holder to keep all person contact data in the Microsoft Live account updated and accurate.
2. Attorneys with OCourt accounts will receive all documents from the court in electronic format through their email accounts. The court, as a convenience, may send reminder notifications of court dates, but failure to receive such a notification shall not relieve the recipient of the obligation to appear or respond as required. It is the responsibility of all parties to maintain a current electronic mailbox address and memory sufficient to receive electronic transmissions or notifications from the court.
3. The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (B)(1) and (B)(2).
4. The clerk will accept for filing an electronic document that complies with the court rules and Electronic Filing Technical Standards as adopted by the JIS committee to implement electronic filing.
5. A document that is required by law to be filed in non-electronic media may not be electronically filed.
6. Electronic Transmission from the Court. The court or clerk may electronically transmit notices, orders or other documents to all attorneys and to parties who have filed electronically or have agreed to accept electronic documents from the court, and who have provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders and other documents.
7. Service of documents on attorneys for parties of record may be completed electronically. The court will accept paper filing and/or service upon a showing of good cause.

C. Time of Filing, Confirmation and Rejection.

1. An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise the document is considered filed at the beginning of the next business day.
2. Confirmation of receipt of an electronic document shall be issued to the filing party
3. The clerk will reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.

D. Authentication of Electronic Documents.

1. Procedures

A. A person filing an electronic document must have received a user ID and password from a Court Administrator or a person delegated by the Court Administrator for any court that utilizes the OCourt programs in order to use the applicable electronic filing service.

B. All electronic documents must be filed by using the user ID and password of the filer.

C. A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the express authorization of the filer. Any person other than the filer must affix their name to the filing.

2. Signatures

A. Judicial Electronic Signatures. Judicial officer may sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:

i. The judicial officer affixes his or her electronic signature to the documents. The document may be emailed to the intended recipients using the OCourt email options or by emailing the document to the intended recipients using the judge's and/or court staff's secure email account; The document shall then be archived to the appropriate electronic court file or the appropriate administrative electronic file on the City's secure electronic data storage system; or

ii. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or

iii. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or

iv. The judicial officer uses any other reliable means approved by the court by general order.

B. Documents may be signed by judicial officers using a facsimile of the judicial officer's signature so long as the original facsimile of the signature is only accessible by the judicial officer. The document or email may also be signed in the following format if the document or email is sent from the judge's secure email account:

Judge (Presiding Judge)
Municipal Court
6000 Main St SW
Lakewood WA 98499
Tel: 253-512-2258 FAX: 253-512-2267
(Email address)

i. The printed version of the document signed by the judge pursuant to this rule shall constitute an original document and the document shall be made part of the court file, search warrant return file, or administrative file in electronic format.

ii. Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

C. Attorney Signatures. An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

/s/ (name) (State Bar Number)
(Law firm name)
(Address)
(City, State, ZIP)
Tel: (Telephone) FAX: (FAX)
(email address)

D. Non-attorney Signatures. An electronic document which requires a non-attorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

/s/ (name)
(Address)
(City, State, ZIP)
Tel: (Telephone) FAX: (FAX)
(email address)

E. Non-attorney Signatures on Documents Signed Under Penalty of Perjury. Except as set forth in d(2)(f) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

i. Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

ii. Ensure the electronic document has the digital signature of the signer.

F. Law Enforcement Officer Signatures on Documents Signed Under Penalty of Perjury.

i. A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user ID and password to electronically file the citation or notice of infraction.

ii. Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records (SECTOR) application, the Justice Information Network Data Exchange (JINDEX), or the City's secure network. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

G. Multiple Signatures. If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:

i. The electronic document contains the digital signatures of all signers; or

ii. For a document that is not signed under penalty of perjury, the signer has the express authority to sign for an attorney or party and represents having that authority in the document.

iii. If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original

signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.

H. Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad or other equipment or methods that have been authorized and facilitated by the court. The document may be electronically filed as long as the electronic document contains the electronic captured signature.

3. An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set for in RCW 9A.72.085 and GR 13.

(Effective 09/01/17)
