

KITSAP COUNTY DISTRICT COURT

GR 7 COVER SHEET

Proposed New Local Rule

LGR 30.1 – Electronic Filing And Service

Submitted By Kitsap County District Court

- (A) **Name Of Proponent** – Kitsap County District Court
- (B) **Spokesperson** – Claire A. Bradley, Presiding Judge
- (C) **Submitted For Comment** – Kitsap County District Court is seeking comment pursuant to GR 7(b) on proposed new LGR 30.1. All comments shall be submitted in writing to District Court no later than noon on Friday, June 25, 2021. All comments received will be posted on the District Court website at www.kitsapgov.com/dc.

GR 7(b) reads as follows –

(b) Review and Comment

- (1) No court may adopt an amended or new local rule without first distributing the proposal and allowing at least 30 days for comment. The court shall distribute the proposal by posting it on the court's website and sending the proposal to the county prosecutor, the county clerk, a representative of the county public defender, and the local bar association (with a request that the association notify its members). The court may also take other actions to distribute the proposal.
- (2) The court shall direct that all comments on the proposal be submitted in writing to the court by a deadline the court sets. The court shall post on its website all comments it receives.
- (3) After the comment period closes and the court considers any comments, the court may adopt, amend, or reject the proposal or take such other action as the court deems appropriate.

- (D) **How To Submit A Comment** – All comments should be submitted to District Court Administrator Clint L. Casebolt by either email or U.S. mail. Comments may be sent by email to ccasebol@co.kitsap.wa.us or by mail to Kitsap County District Court, 614 Division Street, MS-25, Port Orchard, WA 98366.

- (E) **Effective Date** – If implemented, the effective date of proposed LGR 30.1 will be Wednesday, June 1, 2022. The effective date of this proposed rule may be delayed by administrative order of the Presiding Judge if more time is necessary to fully implement Journal eCourt software and complete training.

(F) Purpose Of Proposed Rule –

(1) SharePoint Software Will Fail. Kitsap County District Court began its electronic court file process on April 13, 2010. The Court chose SharePoint software because it was economical. SharePoint software was not built for generating and storing electronic court records, but was intended at that time to be a “temporary” solution until a new statewide case management and document generation system became available in a year or two. Ten years later, the statewide system is still years away.

For years, the county Information Services Department has reminded District Court that the “temporary” SharePoint system was going to fail. The software simply is unable long-term to handle the volume of activity required for electronic document generation and file storage. Great concern exists today what will happen when SharePoint software collapses.

(2) Journal eCourt. While District Court files are now all electronic, the SharePoint system still remains essentially a paper-based system wherein documents are filed in paper and scanned by staff into a SharePoint electronic case folder. This is a very labor-intensive process which increases the possibility of error. Even when documents are provided electronically via email, court personnel must manually transfer the electronic document from email into its proper SharePoint electronic folder and thereafter manually notify the filer that the document has been received and filed.

Recognizing SharePoint will fail and District Court could not wait for the statewide system, on October 18, 2019 after completion of the bidding process the Board of County Commissioners entered into a professional services agreement with Journal Technologies, Inc. for the purchase of Journal’s state-of-the-art document generation and case management system called eCourt.

Unfortunately, the 2020 pandemic stopped the District Court eCourt implementation process for almost a year. Now working full time on the conversion to eCourt, District Court anticipates full conversion from its failing SharePoint system to eCourt in 2022.

(3) Journal eFiling Portal Will Be Free For All Users. One significant feature of eCourt is its integrated eFiling capability where anyone located anywhere with access to the internet and a computer can electronically file documents through the Journal eFiling Portal.

Everyone has a First Amendment right to access the judicial branch of government regardless of a person’s financial ability. To avoid any economic barriers to eFiling documents through the Portal, District Court has decided not to charge any fee for use of the Portal. A user need only create an eCourt Portal account with an email address and a password.

Electronically filing documents with District Court through the Journal eCourt Portal will be free for all users. A per transaction fee will not be charged for eFiling documents through the Portal.¹

¹ Any statutorily-imposed fees for filing a particular document (such as the filing of a civil action) will still need to be paid unless the Court waives the fee pursuant to GR 34. A filing fee will be paid through the Portal when the user has added the documents to their shopping cart and is ready to check out. The documents will then be sent to the Court.

(4) Benefits Of eFiling. An eFiler will receive instant confirmation that District Court has received the eFiled document. Portal users will also have access to all documents filed in their case as well as information about the case. Electronic service of eFiled documents (other than documents which establish personal jurisdiction such as a civil summons and complaint) is automated and available through the eFiling Portal.

Upon full implementation, eCourt will be a significant change in the manner by which District Court does business. Parties and attorneys will not have to go to the courthouse in Port Orchard to file documents, pay a delivery service to do so, or incur the expense and delay by filing documents through the mail. With eCourt, attorneys will no longer have to enter one of District Court's courtrooms to access SharePoint and the Court's electronic files. All of these tasks will be able to be accomplished anywhere one has access to a computer and the internet.

For more information about Journal eCourt, please visit King County District Court's website which includes an extensive discussion about Journal eCourt software and use of the Journal eFiling Portal.² Topics on the King County website include – how to; training; frequently asked questions; and technical requirements.

(5) Proposed LGR 30.1. Such a significant change in a court's business practices requires structure in advance of these changes. The verbiage for proposed LGR 30.1 was taken in great part from King County District Court's local rule it promulgated as part of eCourt implementation.

Proposed LGR 30.1 sets forth a series of specifications and requirements to maximize court efficiency and significantly increase public access via the internet to court records and public information.

(6) Mandatory eFiling By Attorneys – LGR 30.1(a)(1). While some law firms currently file District Court documents via email, the process is cumbersome, increases the possibility of staff error, and is not sustainable. Processing the filing of paper documents requires even more staff time.

With a few limited exceptions outlined in LGR 30.1(b), LGR 30.1(a)(1) requires all attorneys to file documents with District Court through the eCourt Portal. Email or in-person document filings will no longer be accepted from attorneys once the eCourt system "goes live" after a 90 day transition period so all can be trained how to use the eCourt Portal.

If an attorney is unable to eFile documents, the attorney may apply for a waiver of the mandatory eFiling requirement. The process for applying for an eFiling waiver is outlined in LGR 30.1(c).

GR 30(b)(4) authorizes a court to "adopt a local rule that mandates electronic filing by attorneys and/or electronic service of documents on attorneys for parties of record, provided that the attorneys are not additionally required to file paper copies" except for documents that are required by law to be filed in non-electronic media.

This proposed local rule is being sought as contemplated by GR 30(b)(4).

² [King County District Court eFiling - King County](#).

(7) Unrepresented Litigants. Unrepresented litigants will be encouraged to also use the eCourt Portal for filing documents but will not be required to do so. District Court will continue to also accept documents filed by unrepresented litigants via email, through the mail or in-person at the clerk's office.

(8) Compliance – LGR 30.1(d). District Court anticipates that almost all litigants using District Court services will want to file documents electronically to save time and money, to obtain immediate electronic confirmation that the Court has received their documents for filing, and to be able to access public court records from the internet.

District Court will reasonably work with an individual to correct any non-compliance with eCourt eFiling requirements. This will be especially true when eCourt eFiling initially “goes live” because everyone will need time to learn how to use the new Journal software system.