

ELECTRONIC FILING AND SERVICE

a. Definitions. See GR30

b. Electronic Filing, Exceptions, Service, Technology Equipment and OCourt Document Management System.

1. Effective 90 days after Odyssey File and Serve is effective in the court, attorneys shall electronically file (eFile) all documents using the court's designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys, or pro se parties are not required to eFile but are encouraged to do so.
2. The court uses the OCourt document management system as a means to facilitate electronic filing of documents and data during court proceedings. All documents used in furtherance of the case during a court hearing, including, but not limited to, guilty pleas, stipulated orders of continuance, motions to continue (unless being requested in advance of the hearing) and proposed orders on motions, will continue to be prepared in OCourt and are required to be prepared by the attorneys using OCourt. Such documents will be filed and may be distributed by the clerk following the hearing. Documents that can be prepared and submitted through OCourt and are intended to be presented during a court hearing should not be separately eFiled with the court.
3. Attorneys and other involved parties shall set up a password protected account that will allow for the signing of, and transmission of data and documents to the court. 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 personal contact data in their password protected account updated and accurate.
4. Unless prohibited by law or otherwise ordered by the court, attorneys 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.
5. The following documents must be filed in paper form rather than eFiled:

- A. A document that is required by law to be filed in non-electronic format may not be electronically filed;
 - B. Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - C. Documents presented for filing during a court hearing or trial including documents for in camera review pursuant to GR 15, jury trial exhibits, and proposed jury instructions. Proposed jury instructions shall be forwarded to the judge the morning of the first day of trial.
 - D. Documents larger than permitted in the User Agreement.
6. Persons who eFile documents under this rule are not required to provide duplicate paper copies of those documents as “working copies” for judicial officers. The court may require that a party provide working copies of documents that are not eFiled.
7. If an attorney is unable to eFile documents required by this rule, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they filed documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.
- A. Upon a showing of good cause, the court may waive the requirement as to a specific document or documents on a case-by-case basis.
 - B. If an attorney files a document in paper form and does not have an approved waiver from eFiling, the court may assess a fee against the attorney for each paper document filed.
8. Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added by the prosecutor's office to a secure website that allows the documents to be viewed by the public through a hyperlink on the court's website.

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. The clerk may 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 document. 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 used in the document 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 X
(City) Municipal Court

- 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/ John Attorney, (State Bar Number)

- 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/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206)123-4567
E-mail: John.Citizen@email.com

- 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, 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 and electronically files 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 and electronically submit the document to a court or prosecutor.
- 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 signator has the express authority to sign on behalf of another person and represents having that authority in the document.
- 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 forth in RCW 9A.72.085 and GR 13.

e. Filing Fees, Electronic Filing Fees. An eFiling charge will be assessed each time a group of documents is filed on a case. This eFiling service charged will be waived for:

- A. Persons who are indigent or their attorney of record; or
 - B. Government filers; or
 - C. Qualified legal services providers; or
 - D. Protection orders or other matters for which filing fee may not be charged by law.
- f. Electronic Service.** If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.
- g. Electronic Transmission from the Court.** The court or clerk may electronically transmit notices, orders, or other documents to all attorneys, or to a party who has filed electronically or has agreed to accept electronic documents from the court, and has 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. It is the responsibility of attorneys and self-represented parties to keep their e-mail addresses updated. Attorneys must keep their email addresses updated with the Washington State Bar Association. Self-represented parties must update their email address with the clerk's office by eFiling a notice of change of address. Attorneys and self-represented parties will be considered served if served using the e-mail address currently on file in the Court's cases management system.
- h. Retention policy.** If filed electronically, the filing party must retain the original document until at least sixty (60) days after completing the instant case, during the pendency of any appeal, and shall present the original document to the court if requested to do so. This does not include documents submitted as an exhibit during a hearing or trial.
- i. Non-Compliance with this Rule.**
If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.