

BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 18-001
ADOPTION OF LOCAL GENERAL RULE 3

The Judges of the Superior Court in and for Benton and Franklin Counties, find that:

1. The Franklin County Clerk informed the Court in December 2017 that beginning January 2, 2018, he would operate a “paperless” office and no longer maintain paper files;
2. The Court directed the Clerk to continue making and maintaining paper files until such time it can ensure a paperless system will allow it to effectively serve the community, but the Clerk refused;
3. While the Court agrees paperless courts are preferable, they should only be implemented after careful consideration of the impacts upon the Court, the legal community and the public;
4. Addressing these impacts on the Court requires implementation of work flow and work queue functionality of the case management system. Work flows and work queues are integral to, and facilitate paperless process, by, among other things, allowing electronic signatures to be affixed to documents;
5. Art. IV, Sec. 26, Wash. Const. provides that the “county clerk shall be by virtue of his office, clerk of the superior court”;
6. Clerks have been delegated the task of keeping the records, files, and other books and papers appertaining to the court pursuant to RCW 2.32.050 (3) and RCW 36.23.030;
7. But, “[t]he superior court “has power ... [t]o control, in furtherance of justice, the conduct of its ministerial officers,” such as county clerks. RCW 2.28.010(5). *Recall of Riddle*, 189 Wn.2d 565, 583 (2017). The Clerk’s function is “ministerial”. *Swanson v. Olympic Peninsula Motor Coach Co.*, 190 Wash. 35, 38, 66 P.2d 842 (1937).” Quoting further from the *Riddle* decision, “[t]herefore, when acting as the clerk of the superior court, the county clerk *has always been required* “[i]n the performance of his or her duties to conform to the direction of the court.” (quoting RCW 2.32.050(9), emphasis added), *Recall of Riddle* at 583.

8. Clerks are required to file all papers delivered to him or her for that purpose in any action or proceeding in the court, *as directed by court rule or statute*, pursuant to RCW 2.32.050 (4);
9. Clerks are required to enter the court's orders, judgments and decrees, *under the direction of the court* pursuant to RCW 2.32.050 (6);
10. Clerks are required to *conform to the direction of the court* in the performance of their duties pursuant to RCW 2.32.050 (9);
11. Art. IV, Sec. 24, Wash. Const. provides that "judges of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts";
12. The constitutional authority of the superior courts to adopt local rules is codified in GR 7;
13. The Attorney General has opined that the superior courts may adopt a local rule directing the manner in which clerks file pleadings and documents in case files. Op.Atty.Gen.2001, No. 6, September 10, 2001; and
14. An emergency exists which requires this local rule as one that proscribes internal management of the court, and does not affect courtroom procedures. Accordingly, the time limitations set forth in GR 7(a) do not apply to this rule.
15. This rule is adopted a permanent rule, as authorized by GR 7(e).

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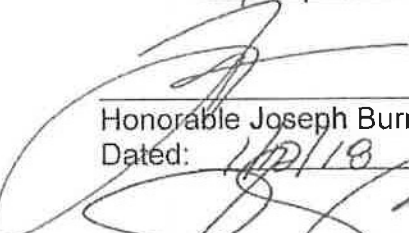
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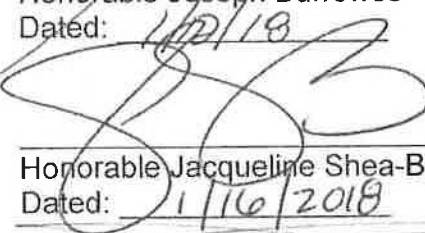
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The Superior Court of the State of Washington in and for Benton County **HEREBY ORDERS**, pursuant to General Rule 7(e), that Local General Rule 3, attached hereto and incorporated herein by reference, is adopted effective immediately upon filing with the Administrative Office of the Courts.

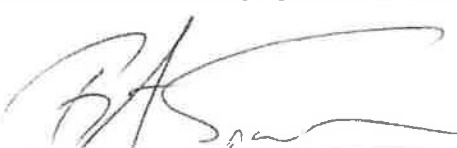

Honorable Alexander C. Ekstrom
Presiding Judge

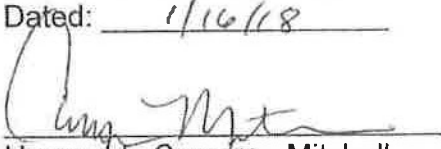
Dated: 1/12/18

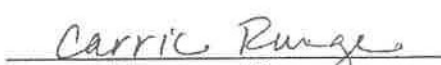

Honorable Joseph Burrowes
Dated: 1/12/18


Honorable Jacqueline Shea-Brown
Dated: 1/16/2018


Honorable Samuel Swanberg
Dated: 1/12/18


Honorable Bruce A. Spanner
Assistant Presiding Judge
Dated: 1/16/18


Honorable Cameron Mitchell
Dated: 1/16/18


Honorable Carrie Runge
Dated: 1/16/18