

**Electronic Filing Committee
Policy and Procedure Subcommittee
Meeting Minutes
October 5, 2010**

Members Present:

Hon. Marla Luckert
Steve Berndsen
John Steelman
Kathleen Collins
Angela Calahan
Mark Kahrs

Hon. Edward Bouker
Leigh Kinzer (Fed. Ct. Rep.)
Lisa Wilson
M.J. Willoughby
Virginia Taylor

Questions and Answers for King County Representatives

Justice Luckert opened the meeting by asking the King County, Washington, delegation (who presented on their e-filing program at the morning session) to answer any questions committee members may have.

King County's use of digital signatures was discussed. All judges use digital signatures. The clerk's office does not. The way service is handled in Washington differs from Kansas and doesn't require clerk's signatures. The use of /s/ is authorized for the state of Washington. *Identitrust* is the vendor used for digital signatures. The initial startup process was complicated, but the renewal process is much less onerous. It was mentioned that a lot of federal courts are using electronic signature pads.

The next question discussed was on how documents that are not part of the official file but need to be filed with the case are handled with e-filed cases. In Washington these are called "working papers" and are submitted as attachments. Copies are made on color copiers in the clerk's office for the parties.

Rule 108 (Preservation of Court Records) Changes

Justice Luckert had previously e-mailed copies of Rule 108, including a strikeout version, to committee members. A committee was established through Judicial Council to look at updating Supreme Court Rules. The focus is mostly on style, although some substantive issues are being looked at.

Carol Green, chair of the committee, had sent a memo to Justice Luckert questioning some of the wording in Rule 108. Because of the changes that will be occurring with e-filing, Justice Luckert made some of the changes in strikeout version for the committee to discuss.

The committee discussed how vague or specific the rule should be about what is considered an acceptable electronic format for records, particularly for future years. The Rule 108 committee didn't want the rule to be too specific because it would be too hard for some

district courts to adapt. Some felt that standards should be set by the Supreme Court to provide statewide consistency. Committee members also expressed concern that the rule needed to be kept current in dealing with paper records also, so archiving standards should be made a part of it. After some discussion, it was felt that instead of making Rule 108 too specific, that an accompanying guideline document would be a better vehicle for more specificity. Perhaps have OJA be responsible for revisiting the standards at predetermined intervals.

Justice Luckert will work on the rule revisions and draft guidelines and send them to committee members via e-mail for comment.

Justice Luckert also mentioned that several other rules will need to be revised to accommodate e-filing after a vendor choice has been made.

Meeting adjourned.