

LGR 30
ELECTRONIC FILING AND SERVICE

(a) Definitions.

(2) "Electronic Filing" or "e-filing" is the electronic transmission of information to a court or clerk for case processing.

(b) Electronic Filing Authorization, Exception, Service, and Technology Equipment.

(3) *Electronic Transmission from the Court.*

(i) *Attorneys.* The Court or clerk may electronically transmit notices, orders, or other documents or communications, to all attorneys using the attorney's electronic mailbox address on file with the Court. It is the responsibility of all attorneys to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(ii) *Non-Attorneys.* The Court or clerk may electronically transmit notices, orders, or other documents or communications, to any party who has filed electronically or has agreed to accept electronic documents from the Court by using the electronic address provided to the clerk. It is the responsibility of the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(4)

(A) *Mandatory Electronic Filing.* Unless otherwise provided for in this rule or as authorized by the Court, attorneys shall electronically file (e-file) all documents, including emergency pleadings, using the Court's e-filing application. Non-attorneys and pro se parties are permitted but not required to e-file.

(i) *Documents That Shall Not Be e-filed.* The following documents must be filed in paper form rather than e-filed:

(a) Documents submitted for *in camera* review;

(b) Motions to Seal and all supporting documents pursuant to GR 15 or CrRLJ 3.1(f)(2). Motions to Seal previously filed documents may be e-filed;

(c) Application for Court issued Writs of Garnishment;

(d) Applications for Writs of Attachment, Writs of Execution, or Replevin and original supporting documents;

(e) Bonds in civil cases;

(f) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;

(g) Documents from governments or other courts under official seal, except that a copy may be e-filed as an exhibit to another document, such as a pleading, by leave of the Court;

(h) Documents larger than permitted in the User Agreement;

(i) New cases or fee-based documents filed with a Motion and Order to proceed *in forma pauperis*;

(j) New cases based upon the filing of a Foreign Judgment;

(k) Appeals. All initiating pleadings and filings requiring payment of a fee to District or Superior Court (e.g., Notice of Appeal, Designation of Record), or motions to proceed *in forma pauperis*. Subsequent filings related to the appeal that do not require payment of a fee or if a waiver of fees has previously been granted may be e-filed. Notices of Appeal accompanied by motions to proceed *in forma pauperis*, or motions to stay conditions of sentence or execution of a judgment pending appeal may also be presented to the Court at the time of the sentencing hearing or other hearing on the matter to be appealed;

(l) Proposed Findings of Fact, Conclusions of Law and Order Granting Deferred Prosecution;

(m) Motions to waive mandatory e-filing requirement as provided in section (iv); ~~or~~

(n) Documents filed pursuant to a Court order requiring in-person paper filing.

(ii) *Documents That May Be e-filed.* The following documents may be e-filed:

(a) Documents associated with a scheduled court hearing or scheduled trial presented for filing during the course of the hearing or trial;

(b) Applications for emergency warrants;

(c) Answers to Writs of Garnishment;

(d) Motions to Vacate Convictions;

(e) Petitions for Protection Orders, Motions to Modify or Terminate Protection Orders, and, sworn declarations;

(f) Motions requesting the authorization of interpreters;

(g) Subpoenas in criminal cases; or

(h) Motions for a finding of probable cause prior to a first appearance calendar or pursuant to a motion to issue an emergency warrant.

If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the Court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(iii) *Working Copies.* Judges' working copies for e-filed documents are not required, except that paper working copies of e-filed documents of fifty (50) pages or more shall be delivered to the judge at least five (5) court days prior to the hearing and paper working copies of Proposed Jury Instructions on criminal cases shall be delivered to the judge the morning of the first trial day.

(iv) *Waiver of the Requirement to e-File for Attorneys.*

(a) If an attorney is unable to e-file documents, the attorney may request a waiver from the Court. The attorney must make a showing of good cause and explain why they are not able to e-file. The Court will make waiver request forms available on the Court website. 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 file documents. Attorneys who receive a waiver shall place the words "Exempt from e-filing per waiver filed on (date)" in the caption of all paper documents filed for the duration of the waiver.

(b) 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.

(v) *Non-Compliance with this Rule.* Pursuant to KCC 4A.634.100A, the Court may assess a fee of twenty dollars to anyone who files an electronic document that requires special handling because of errors, failure to follow court rules or statutes or lack of completeness. 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 pursuant KCC 4A.634.100B for each paper document filed.

(5) Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents that are not e-filed.

(6) If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

(c) Time of Filing, Confirmation, and Rejection.

(1)

(A) A party whose filing is untimely as the result of a technical failure of the Court's e-filing application may seek appropriate relief from the Court. The Court shall consider its e-filing application to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any court day. Known systems outages will be posted on the Court website. Users are responsible for monitoring the Court website to be aware of regularly scheduled down time for maintenance.

(B) Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end should explore other e-filing options. The filer's login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.

(C) Filing a document electronically does not alter filing deadlines. A filing received on a business day (Monday through Friday excluding holidays or Court closures) between the hours of 8:30 a.m. and 4:30 p.m. will be filed on the business day they are filed. Filings submitted after 4:30 p.m. will be filed on the next business day.

(2)

(A) In the absence of the Court's confirmation of receipt and filing, there is no presumption that the Court received and filed the document. The filer is responsible for verifying that the Court received and filed any document that was submitted to the Court electronically using the Court's e-filing application.

(d) Authentication of Electronic Documents.

(1)

(C)

(i) Filers agree to protect the security of their passwords and immediately notify the Court if they learn that their password has been compromised. Filers may be subject to sanctions for failure to comply with this provision.

(2)

(D)

(ii) In addition to the systems set forth in GR 30(d)(2)(D), law enforcement may electronically submit documents digitally signed using the following systems: The King County Electronic Log of Detective Investigations (eLODI); King County Booking and Referral System (BARS); The King County Sheriff's Office Mark 43 System, or any other similar secure law enforcement agency's system that requires use of a single user unique login and password that is associated with the active duty law enforcement officer. Unless the Court directly downloads from such system and thus is aware of its login procedures, digital signatures

from any of the aforementioned systems will only be accepted where the signature block identifies that the document was signed using the law enforcement officer's unique login and password. The signature block shall also identify the system that was used unless that information is evident from the document itself. In addition to law enforcement agency systems, the Court will also accept law enforcement digital signatures from systems that the Court directly downloads from including, but not limited to, American Traffic Solutions, Diamond Parking, FileZilla Verra Mobility, and Axisis.

(iii) In addition to the systems set forth in GR30(d)(2)(D), the Chief Presiding Judge has designated King County Electronic Log of Detective Investigations (eLODI); King County Sheriff's Office Mark 43 System; King County Booking and Referral System (BARS); or any other similar secure law enforcement agency system including, but not limited to, American Traffic Solutions, Diamond Parking, FileZilla, Verra Mobility, and Axisis as local secured systems.

(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 CRLJ 11.

(A) When a document has been filed electronically, the official record is the electronic record of the document as stored by the Court, and the filing party is bound by the document as filed.

[Adopted on an Emergency Basis, April 21, 2017; Adopted effective September 1, 2017; amended on an Emergency Basis effective July 19, 2019; amended on an Emergency Basis, effective May 1, 2021; amended effective September 1, 2021.]