

LCR 79 BOOKS AND RECORDS KEPT BY THE CLERK

(g) Clerk Schedule of Charges. The clerk will maintain a schedule of charges authorized by law for clerk's services. The schedule is available for public inspection and will be maintained in the clerk's office and on the clerk's website.

(h) Files.

(1) *Filing by Clerk of Court.* All original pleading or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the clerk in the order received.

(2) *Action Documents.* All pleadings that require action by the clerk, other than file stamping and docketing, shall contain the language "CLERK'S ACTION REQUIRED" in the caption beneath the case number on the first page of the document.

(3) *Conformed Copies.* All requests to the clerk for a response to an inquiry about a court file or for return of conformed copies of pleadings must be accompanied by a self-addressed, stamped return envelope.

(4) *Sealed Papers.* The clerk shall seal and not permit examination of records sealed by court order or by operation of law (GR 15, GR 22). If sealed, papers may be unsealed only by court order, by motion and with notice, in conformity with GR 15.

(i) Exhibits.

(1) *Exhibit Files.* The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(2) *Exhibit Inspection.* Exhibits may be inspected in the clerk's office only in the presence of the clerk or a deputy clerk.

(3) *Court Records as Exhibits.* No original court record shall be admitted as an exhibit, but a copy may be admitted.

(4) *Substituted Copies of Exhibits.* For cause shown, the court may permit a copy of any document admitted in evidence to be substituted for the original.

(5) *Exhibit Packaging and Labeling.* Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(A) Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container. All items shall be labeled to identify the contents as potentially biologically

hazardous material.

(B) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. Plainly visible labels shall identify the contents.

(C) Firearms shall be unloaded, any breech mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(D) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(E) Paper bags alone will not constitute proper packaging and zip ties are not considered secure trigger locks.

(6) *Videotaped Depositions.* Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

(7) *Unsuitable Materials as Exhibits.* Whenever there is presented to the clerk for filing any paper or material that the clerk determines to be improper or inappropriate for filing, the presenting party shall apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made part of the file, an order shall be entered converting the material to an exhibit, and the clerk shall retain the material as an exhibit to the cause. If the court determines that the material warrants being sealed, the court shall direct the presenting party to give notice to all parties to the cause and shall conduct a hearing on the court's motion to seal the material pursuant to GR 15.

(8) *Form of Administrative Records.*

(A) Format. Unless the court orders otherwise, administrative records shall be submitted both in hard copy format and on a CD, consecutively paginated with Bates numbers in chronological order, according to the agency filing date, bound in volumes not to exceed 200 pages, and submitted with a table of contents of the administrative record.

(B) Electronic Records. Any party may present a motion to the assigned judge to request that the record is submitted in a different format, including electronic format. If filed electronically, the agency record shall be filed in a searchable format, to the greatest extent possible. An electronic record exceeding 50 MB shall be divided into volumes with each volume not exceeding 50 MB.

(C) Shortened Agency Record. Parties are encouraged to stipulate to shorten the agency record for purposes of judicial review under RCW 34.05.566 and General Order of Division II number 2018-1. If stipulated to by the parties under RCW 34.05.566(4),

appeals from agency orders to the appeals courts shall be supported by shortened agency records. The shortened agency record shall:

- (i) Contain minimal duplication. Duplicate records should be limited to those necessary for review;
- (ii) Contain no copies of prior briefing, unless necessary to resolve the issues on review;
- (iii) Contain all oral and written rulings that are the subject of review; and
- (iv) Otherwise include all materials necessary for judicial review.

The court may require additions or corrections to the stipulated record as deemed necessary under RCW 34.05.566(7).

(j) Withdrawal of Exhibits.

(1) *Exhibits; Temporary Withdrawal.* Exhibits may be withdrawn temporarily from the clerk's office only by:

- (A) The judge having the case under consideration.
- (B) Official court reporters for use in connection with their duties, without court order.
- (C) An attorney of record, upon court order.

The clerk shall enter into the Case Management System information about all exhibits, who is withdrawing the exhibit, and the date withdrawn. Upon return of the exhibit, the Case Management System shall be updated with the date and who returned the exhibit.

(2) *Failure to Return Exhibits; Sanctions.* In the event that an attorney or other person fails to return within the time required an exhibit which was temporarily withdrawn, and fails to comply with the clerk's request for its return, the clerk may, without notice to the attorney or other person concerned, apply to the court for an order for the immediate return of such exhibit. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(3) *Permanent Withdrawal of Exhibits.* After final judgment and expiration of the time for appeal, the court may order the permanent withdrawal of an exhibit and delivery thereof to any party or other person entitled to possession.

(4) *Return of Contraband Exhibits.* When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk as part of the

records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The clerk shall then deliver the contraband or substances and take from the law enforcement agency a receipt which shall be filed in the case. The clerk shall also file any certificate issued by an authorized federal or state agency and received by the clerk showing the nature of such contraband or substances.

(5) *Return of Exhibits and Unopened Depositions.* When a civil case is finally concluded, and upon stipulation of the parties or court order, the clerk may return all exhibits and unopened depositions, or destroy the same.

(6) *Return of Administrative Records.* When a case for review of an administrative record is finally completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court, or, upon written authorization from the officer or agency, the clerk shall destroy the record certifying same to the court.

(7) *Verbatim Report of Proceedings.* A verbatim report of proceedings shall not be withdrawn from the clerk's office except by court order.

(8) *Transcripts.* A request for a copy of a transcript prepared by a court reporter in the possession of the clerk, shall be referred to the appropriate court reporter.

[Amended effective September 1, 1994; September 1, 2005; September 1, 2011; September 1, 2012; September 1, 2016; September 1, 2018; September 1, 2019; September 1, 2021.]