## STAFF REPORT

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| **Agenda Item:** | 5 | **Name:** | Clifton Curry |
| **Proposed No**.: | 2018-0466 | **Date:** | October 30, 2018 |

**SUBJECT**

AN ORDINANCE correcting errors to a RCW cross reference and amending the fee amount per authority of RCW 36.18.016; and amending Ordinance 14905, Section 15, as amended, and K.C.C. 4A.630.150 and Ordinance 14905, Section 17, as amended, and K.C.C. 4A.630.160.

**SUMMARY**

Under state law, the Department of Judicial Administration is allowed to collect fees for certain documents, services, and activities. RCW [36.18.016](http://app.leg.wa.gov/RCW/default.aspx?cite=36.18.016) allows a charge of up to $30 per hour “for clerk's services,” such as the disposal of court exhibits not withdrawn by the parties. This Proposed Ordinance would increase the existing fee for the disposal of exhibits after a case has been resolved from $20 to $30 in county code. In addition, the legislation would correct references to state statute in existing county code.

**BACKGROUND**

The Superior Court is the county’s jurisdiction trial court and has responsibility for civil matters, family law cases, criminal (any adult criminal case filed as a felony), and juvenile criminal offenses (all misdemeanor and felony cases) throughout the county. The court currently operates out of Seattle (the County Courthouse, Youth Services Center, and the Harborview Involuntary Treatment Court) and Kent (Maleng Regional Justice Center). The court has almost 75,000 criminal, civil, and other case filings annually. In addition, the court is responsible for juvenile court services and court-ordered supervision and treatment. The court is supported by the Department of Judicial Administration—which acts as the Superior Court Clerk--and administers all court records for civil matters, family law cases, felonies, and juvenile criminal offenses filed in the Superior Court. The department handles about 1.5 million documents and cases annually.

The Department of Judicial Administration is responsible for keeping all King County Superior Court case files dating back to 1854. Case files are, with some exceptions, public records and available for viewing by the general public. As the thirteenth most populous county in the country, the King County Superior Court through the Clerk’s Office of the Department of Judicial Administration receives over 8,000 daily filings for both criminal and civil cases through the work of thousands of attorneys, litigants and almost 70 judicial officers. Prior to the Electronic Court Record (ECR) project, court records were only accessible at the Clerk’s office during business hours and with only one person able to view a case file at a time, retrieving records sometimes could take days. As a result of the ECR project, all cases filed in King County beginning January 1, 2000, are available as image files for viewing electronically (with archived cases since 1996 also available electronically).  Mandatory e-filing started July 1, 2009, with the system fully updated on March 15, 2010. Pro Se parties (those not represented by an attorney) may choose to E-file but are not required to do so. Case Exhibits, however, while part of the electronic court record, are also physically kept by the court until the resolution of the case. After the resolution of the case, the physical exhibits are the responsibility of the parties.

**ANALYSIS**

Under state law, the Department of Judicial Administration is allowed to collect fees for certain documents, services, and activities. RCW [36.18.016](http://app.leg.wa.gov/RCW/default.aspx?cite=36.18.016)(11) allows a charge of up to $30 per hour “for clerk's services.” This Proposed Ordinance would increase the existing fee for the disposal of court exhibits from $20 to $30 in county code.

This fee is assessed when DJA staff must dispose of exhibits that are not withdrawn by parties 45 to 90 days following the completion of a case. DJA notes that, parties may pick up exhibits and avoid paying any fee or pay the fee and have DJA dispose of the exhibits. The DJA notes, however, that estimating the added revenues from the increase in this fee “is challenging due to the way records are kept” and is not a significant amount.

In addition, the legislation would correct references to state statute in existing county code.

**ATTACHMENTS**

1. Proposed Ordinance 2018-0466