

GIG HARBOR MUNICIPAL COURT

LOCAL ADMINISTRATIVE RULE LIMITED JURISDICTION (LARLJ)

LARLJ 2 – MANDATORY ELECTRONIC FILING AND SERVICE

- a) Definitions – See GR 30(a)
 - b) Electronic filing and service – See GR 30(b) (1-4)
 - c) Electronic filing (“eFile”) authorization, charges, exceptions, and waiver.
- (1) *Mandatory Electronic Filing.* Effective September 6, 2021, attorneys shall electronically file (eFile) all documents except the initial criminal complaint, citation, or notice of infraction, using the court’s designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys or *pro se* parties are not required to eFile but are encouraged to do so.
- (2) *eFiling Service Charges.* An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for:
- (a) Persons who are indigent or their attorney of record;
 - (b) Government filers;
 - (c) Qualified legal services providers;
 - (d) Protection orders or other matters for which filing fees may not be charged by law.
- (3) *Documents That Shall Not Be eFiled.* The following documents must be filed in paper form rather than eFiled:
- (a) A document that is required by law to be filed in non-electronic format;
 - (b) Certified records of proceedings for purposes of appeal;
 - (c) Negotiable instruments;
 - (d) Documents of foreign governments under official seal including foreign and out-of-state protection orders.
 - (e) Documents presented for filing during a court hearing or trial including documents for in camera review pursuant to GR 15;

- (f) Foreign (out-of-state) judgments;
 - (g) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means. If a party files document that is larger than 8 ½” x 11”, or files a color document, other parties can request a hard copy of those documents. When a request is received, the filing party shall provide a hard copy of the non-standard or color document within two (2) court days after receipt of the request.
 - (h) Documents larger than permitted in the User Agreement.
- (4) *Retention Policy.* 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 completing 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.
- (5) *Working Copies.* Judges working copies for eFiled documents are not required.
- (6) *Time for Filing.* An electronic document is considered filed with the clerk when it is received by the court eFiling system during regular business hours. Any document electronically filed with the court by 5:00 PM Pacific Time on a business day shall be deemed filed with court on that date. A document filed after 5:00 PM Pacific Time or on a non-business day shall be considered filed on the next business day.
- (7) *Waiver of the Requirement to eFile.* If an attorney is unable to eFile documents required by this rule, the attorney must request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. 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 eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver. 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.
- (8) *Electronic Service.*
 - (a) When a party eFiles a document, the party must serve that document using

the eServe function. E-Service under this subsection constitutes service under CRLJ 5 and is complete as stated in CRLJ 5(b)(7).

- (b) 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) Updating email Addresses. It is the responsibility of attorneys and self-represented parties to keep their email address updated. Attorneys must keep their email address update with the Washington State Bar Association. Self-represented parties must update their email address with the Gig Harbor Municipal Court by eFiling a notice of change of address. Attorneys and self-represented parties will be considered served if served using the email address currently on file in the court's case management system.
- (d) Exceptions to eService. eService does not apply:
 - (i) when a self-represented party has not registered for eService;
 - (ii) when a statute or rule requires that a document be personally served on the receiving party;
 - (iii) for documents not filed with the court (e.g. discovery);
 - (iv) when a waiver has been obtained as set forth in this Rule.

(9) *Non-Compliance with this Rule.*

- (a) If an attorney files a document that requires special handling because of errors, or fails to follow court rules or statutes, or files a document in paper form without an approve waiver, the clerk is authorized to reject the document and return it to the party for eFiling.
- (b) If an attorney or self-represented party serves a document in a manner that does not comply with this section, the document shall be deemed to have not been served pursuant to CRLJ 5, and the court in its discretion can refuse to consider the document.

[This Rule shall be effective September 6, 2021.]