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Potential Washington State General Court Rule: Access to Justice and Technology

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POTENTIAL WASHINGTON STATE GENERAL COURT RULE

ACCESS TO JUSTICE AND TECHNOLOGY*

The Access to Justice Technology Principles appended to this Rule state the governing values, principles, and standards which shall guide the use of technology in the Washington State justice system. These Principles apply to all courts of law, clerks, and court administrators and to all other persons and parts of the Washington justice system under the rule-making authority of this Court. These Principles shall be considered with other governing law and court rules by the courts of the State of Washington in deciding the appropriate use of technology in the administration of the courts and the cases that come before such courts.

Comment:

This Rule does not create or constitute the basis for new causes of action, mandate new expenditures, or repeal or modify any rule. Rather, it requires that justice system decision makers consider access to justice whenever technology is planned, used, or may be used, avoid reducing access to justice, and, whenever possible, use technology to enhance access to justice.

The Access to Justice Technology Principles should also serve as a guide for all other actors in the Washington justice system that are not under the rule-making authority of this Court. These include all governmental and non-governmental bodies engaged in formal dispute resolution or rulemaking and all persons and entities that may represent, assist, or provide information to persons who come before such bodies.

This Rule and the Access to Justice Technology Principles continue to apply fully in the event all or any portion of the performance, implementation, or accomplishment of a duty, obligation, responsibility, enterprise, or task is delegated, contracted, or assigned to another entity

* This potential Rule was developed by the Access to Justice Technology Bill of Rights Committee and approved by the Access to Justice Board. The Access to Justice Board currently plans to submit it to the Washington State Supreme Court for its consideration.

or person, public or private, to whom this Rule and the Principles may not otherwise apply.

The meaning of the word “use” herein includes but is not limited to planning, design, development, adoption, deployment, and dissemination as well as its ordinary meaning.