

3  
4  
5  
6 ORDINANCE NO. 2008-34  
7

8  
9  
10 **An Ordinance of the Pierce County Council Amending Chapter 2.08 of the**  
11 **Pierce County Code, "Superior Court Clerk – Electronic Data**  
12 **Access Services," Revising the Fees to be Charged by the**  
13 **Clerk for Subscription Accounts for Electronic Access to**  
14 **Superior Court Records for Those Who are Resellers of**  
15 **Data; and Setting an Effective Date.**  
16

17 **Whereas**, the Pierce County Superior Court Clerk's Office desires to provide for  
18 public access to electronic records at reasonable rate in order to facilitate case  
19 management and efficient handling of court records; and  
20

21 **Whereas**, the Pierce County Council has previously passed Ordinance No.  
22 2005-85 which established fees for such records; and  
23

24 **Whereas**, the Clerk has identified substantial public interest, especially within the  
25 legal and commercial communities, for these services, and the program has had  
26 favorable response and begun providing these services in other counties; and  
27

28 **Whereas**, public access has been facilitated by an improved system and public  
29 access points; and  
30

31 **Whereas**, there are those who are subscribers who are in the business of  
32 reselling some or all of the data obtained by the subscriber; and  
33

34 **Whereas**, it is in the best interest of the public to have this data either directly  
35 from the courts or from a subscriber who is in the business of reselling this data; and  
36

37 **Whereas**, it is in the best interest of the citizens of Pierce County to facilitate  
38 access by charging the lowest possible fee for providing services associated with  
39 electronically maintained court records, while producing revenues sufficient to maintain  
40 and improve the electronic access to superior court record; **Now Therefore**,

41  
42 **BE IT ORDAINED by the Council of Pierce County:**  
43

44 Section 1. Chapter 2.08 of the Pierce County Code, "Superior Court Clerk –  
45 Electronic Data Access Services" is hereby amended as shown in Exhibit A, which is  
46 attached hereto and incorporated herein by reference.  
47



1 Section 2. The effective date of this Ordinance is July 1, 2008.

2  
3 **PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

4  
5 ATTEST:

**PIERCE COUNTY COUNCIL**  
Pierce County, Washington

6  
7  
8  
9 \_\_\_\_\_  
10 **Denise D. Johnson**  
11 Clerk of the Council

\_\_\_\_\_

**Terry Lee**  
Council Chair

12  
13  
14 \_\_\_\_\_

**John W. Ladenburg**  
Pierce County Executive  
Approved \_\_\_\_\_ Vetoed \_\_\_\_\_, this  
17 \_\_\_\_\_ day of \_\_\_\_\_,  
18 2008.

19  
20  
21 Date of Publication of  
22 Notice of Public Hearing: \_\_\_\_\_

23  
24 Effective Date of Ordinance: \_\_\_\_\_

25



2  
3  
4 **Chapter 2.08**

5  
6 **SUPERIOR COURT CLERK – ELECTRONIC DATA ACCESS SERVICES**

7  
8  
9 **Sections:**

10 **2.08.010**

**Applicability.**

11 **2.08.020**

**Authority.**

12 **2.08.030**

**Adoption of Rules and**

13 **Regulations.**

14 **2.08.040**

**Definitions and Fees.**

15 **2.08.050**

**Subscriber Warranties.**

16 **2.08.060**

**Fee Adjustments.**

17  
18 **2.08.040**

**Definitions and Fees**

19 The following definitions shall  
20 apply in determining the fees to be charged for services provided by the clerk:

21 A. "Attorney Unrestricted  
22 Subscriber" shall mean an attorney, law firm, its managing members, or authorized  
23 employees whose primary purpose is the provision of legal services. Attorneys who  
24 enter into unrestricted subscription agreements with the Clerk will be given access to  
25 non-confidential court records and services including, but not limited to, ability to  
26 electronically serve documents in accordance with GR30, case management services,  
27 and access to all non-confidential court records. Fees for this service shall be \$150.00  
28 175.00 per annum or \$25.00 per month of service.

29 B. "Electronic Set-Up Fee" shall  
30 mean that fee charged by the Clerk for providing personal identification numbers and  
31 other services needed to provide access to Clerk's electronic files or to allow electronic  
32 filing. Each User shall incur the set-up fee only one time per set-up. Set-up fees shall  
33 be \$25.00 for each attorney and \$10.00 for each additional non-attorney staff member  
34 provided access. Non-attorney set up fees shall be \$25.00 per user.



1 C. "Government Subscriber" shall  
2 mean any federal, state, or local governmental entity or non-profit legal services, legal  
3 aid, or pro bono agency which registers as such with the Clerk. Government  
4 subscribers shall have unrestricted access as allowed by law, provided that subscriber  
5 agrees to allow reciprocal privileges to Pierce County to computerized databases upon  
6 request, where such access does not violate any state, federal, local law or court rule.  
7 There shall be no fees, other than set-up fees, associated with government  
8 subscriptions.

9 D. "Litigant Case Subscriber" shall  
10 mean those individuals who have entered into the agreement for purposes of a specific  
11 case. Litigant Case subscriptions are restricted to either a party to the case or a  
12 member in good standing of the Washington State Bar Association who is an attorney of  
13 record for a party in the case. Litigant Case Subscribers shall be given electronic  
14 access, electronic filing and electronic services only for the case identified. Fees for  
15 Litigant Case Subscribers shall be \$25.00 per case unless otherwise ordered by the  
16 court. Without otherwise limiting the court's discretion, the provisions of GR 30.6(b)  
17 shall apply with respect to waiver of litigant case subscriber and set-up fees.

18 E. "Non-Attorney Case Subscriber"  
19 shall mean those individuals or entities who desire access to a single case to which they  
20 are not a party or attorney of record. Fees for services provided to non-attorney case  
21 subscribers shall be \$25.00 per case.

22 F. "Non Attorney Unrestricted  
23 Subscriber" shall mean those individuals or entities who desire unrestricted electronic  
24 access to non-confidential court records but who are not regularly engaged in the  
25 provision of legal services nor providing governmental services. Fees for services  
26 provided to non-attorney, unrestricted subscribers shall be \$150.00 175.00 per year for  
27 each user.

28 G. "Non-Attorney Unrestricted  
29 Subscriber and Reseller" shall mean a "Non-Attorney Unrestricted Subscriber" who is in  
30 the business of reselling records obtained by virtue of the subscription hereunder. Any  
31 "Non-Attorney Unrestricted Subscriber and Reseller" shall pay, in addition to any  
32 subscription fee set forth herein, a fee of \$.10/page for viewing any court record  
33 (document) retrieved from the system. The Superior Court Clerk shall establish a  
34 system by which copies are accounted for, and payment received in advance by the  
35 Clerk, with deductions against the payments made to the Clerk. Prohibitions against  
36 reselling data as provided for in :PCC 2.08.050 shall not apply to any "Non-Attorney  
37 Unrestricted Subscriber and Reseller" as described herein. The Superior Court clerk  
38 will be responsible for setting up a system to track pages viewed. Fees for the viewing  
39 of documents will be paid in advance following a procedure established by the Superior  
40 Court Clerk.



1 H. Subscriber warranties and  
2 restrictions:

3 1. Copying and storing the Clerk's  
4 electronic files and/or data, for the purpose of providing access to third parties or other  
5 non-subscribers is strictly prohibited. Bypassing the Clerk's system to track pages  
6 viewed is strictly prohibited.

7 2. The following terms all are  
8 construed as having the same meaning hereunder, "Clerk's electronic files and/or data,"  
9 "Clerk's electronic files," "court records and services," "court records," "court  
10 documents," "documents" and "data" in that they all refer to the records and files kept  
11 and maintained by the Superior Court Clerk as required by law.

12 3. The Superior Court Clerk shall  
13 have the right to revoke a subscription if the Clerk discovers any violation of either this  
14 Chapter or agreement entered into by authority of this Chapter.

15  
16 **2.08.050** **Subscriber Warranties.**

17 Subscriber warrants that  
18 subscriber, and its agent(s) and principal(s) are not engaged in the Business of reselling  
19 data . Subscriber is authorized to download, store, publish, transfer or transmit, or  
20 resell the data obtained from access to the site only as specifically provided herein.  
21 However, this restriction shall not prohibit subscriber from using the data obtained from  
22 the site in providing legal services or in its commercial product so long as that product is  
23 not the delivery of electronic data to third parties. This Section shall not apply to those  
24 who are "Non-Attorney Unrestricted Subscriber and Resellers" as provided within this  
25 Section.

26  
27