

Court Rules and Procedures Committee

AGENDA

May 11, 2019
9:30 AM – 1:00 PM

Zoom Toll-Free Call Numbers: 833-548-0282 Meeting ID: 950-7032-0903
877-853-5247
888-788-0099
833-548-0276

Call to Order/Preliminary Matters

- Approval of Minutes
 - November 18, 2019
- Subcommittee Reports
 - Mandatory Arbitration Rules (MAR) Subcommittee
 - Civil Rules for Superior Courts (CR) Subcommittee
 - Subcommittee Chair
 - Civil Rules for Courts of Limited Jurisdiction (CRLJ) Subcommittee
 - Subcommittee X
 - Infraction Rules for Courts of Limited Jurisdiction (IRLJ) Subcommittee
- Quorum
- Letter from President Rajeev Majumdar and Interim Executive Director Terra Nevitt
- Other Business/Good of the Order

Adjourn

The next meeting is scheduled for June 8, 2020.



WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes

November 18, 2019

Members Present:

Chair Jefferson Coulter, Kristin Ballinger, Claire Carden, Rike Connelly, Stephanie Dikeakos, Tony DiTommaso, Brian Esler, Duffy Graham, Richard Greene, Karen Horowitz, John Ledford, Sarah Lee, Alison Markette, Kirk Miller, Tim Moran, Isham Reavis, Rachel Reynolds, James Smith, Ann Summers, and Emory Wogenstahl.

Members Excused:

Jody Cloutier, Joyce Heritage, Ashton Rezayat, Rachael Rogers, Rooein Roshandel, Jeff Sbaih, Jon Zimmerman, and Brian Zuanich.

Also Attending:

Judge Blaine Gibson (SCJA Liaison), Judge Bradley Maxa (COA Rules Committee Chair), Nicole Gustine (WSBA Assistant General Counsel), Kyla Jones (WSBA Paralegal), Dana Barnett (WSBA Diversity & Inclusion Specialist), and Paige Hardy (WSBA Public Service Specialist).

Chair Jefferson Coulter called the meeting to order at 9:30 a.m.

Approval of Minutes

The September 16, 2019, minutes were approved by consensus.

Diversity Orientation

The Committee received Diversity Orientation, titled "Digging Deeper into Diversity, Inclusion, and Equity." Dana Barnett, WSBA Diversity, Equity, and Inclusion Specialist, and Paige Hardy, WSBA Public Service Specialist, provided the presentation.

Subcommittee Assignments

Under the Schedule for Review from the Supreme Court, the Committee will be reviewing the Mandatory Arbitration Rules (MAR), Civil Rules for Superior Courts (CR), and Civil Rules for Courts of Limited Jurisdiction (CRLJ). A subcommittee will work on each of the rules up for review. Brian Esler will chair the MAR Subcommittee, Rike Connelly will chair the CR Subcommittee, and Claire Carden will chair the CRLJ Subcommittee. Tony DiTommaso will chair Subcommittee X. Chair Coulter will reach out to Jon Zimmerman, Chair of FY 2019 IRLJ Subcommittee, to determine if the IRLJ Subcommittee would like to continue into FY 2020.

Chair Coulter received suggested amendments to CR 55 "Default and Judgement." The Committee discussed the best next step for this rule suggestion, and decided to send it to the CR Subcommittee.

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

GR 12.4 – Public Records Request to Bar Records and WSBA Expense Report Policy

Nicole Gustine discussed WSBA's Access to Records Policy under GR 12.4. Members were advised that communications of the Committee, including e-mails on which WSBA staff is copied, are subject to disclosure if a public records request is made. Ms. Gustine also discussed WSBA's reimbursement policy. The WSBA will reimburse for the cheapest method of travel and for reasonable hotel accommodations. Members were advised that telephonic attendance to meetings is perfectly acceptable.

There being no further business, the meeting was adjourned at 11:45 AM.

DRAFT

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Kambra Møllergaard
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January 3, 2020

Kyla Jones
Washington State Bar Association

Kylaj@wsba.org

Dear Kyla:

Just to follow up and let you know who all is on the Sub X committee, the members are Blaine Gibson, Isham Reavis, Brian Zuanich and James Smith.

Presently I am not aware of any work assignments for us but look forward to perhaps receiving something to do as head of the committee.

I hope you had a Merry Christmas and Happy New Year.

Sincerely,

LAW OFFICE OF TONY DITOMMASO, P.S.



Tony DiTommaso
Attorney at Law

TD:st

WASHINGTON STATE BAR ASSOCIATION

TO: Chair Jefferson Coulter, WSBA Court Rules & Procedures Committee
Governor Brian Tollefson, Liaison to WSBA Court Rules & Procedures Committee

FROM: President Rajeev Majumdar
Interim Executive Director Terra Nevitt

DATE: February 19, 2020

RE: Seeking input regarding WSBA's role in reviewing proposed court rules

As you know, the WSBA Court Rules and Procedures Committee studies and develops suggested amendments to designated sets of court rules on a regular cycle of review, established by the Washington Supreme Court, and makes recommendations to the Board of Governors. This activity fulfills the provision of General Rule 9 that contemplates periodic review of court rules.¹

General Rule 9 also identifies as responsibilities for WSBA:

- Section (f) Consideration of Suggested Rule by Supreme Court. This section provides that the Court shall forward each suggested rule (except those deemed to be “without merit”) to WSBA (among other key stakeholders) and provide a deadline by which WSBA may comment in advance of the Court’s threshold decision whether to reject, adopt a technical change without comment, or order the rule published for comment.
- Section (g) Publication for Comment. This section charges WSBA with publishing proposed rules on its website and in the *Washington State Bar News*.

Among the purposes articulated for GR 9 are to give interested persons and groups notice and an opportunity to express their views regarding proposed rules, to ensure that proposed rules are necessary statewide, and to ensure that rules are clear and definite in application.

Currently, we understand, the Committee does not play a role in reviewing rulemaking proposed by other entities and pending with the Court, except when explicitly asked to do so by the Supreme Court of Washington or the WSBA Board of Governors.

We request that the Committee consider the purposes of the rule and the role articulated for WSBA and make a recommendation to the Board of Governors as to what additional activities – if any – WSBA may want to engage in to help support achieving the purposes of GR 9.

Warmly,



Rajeev Majumdar



Terra Nevitt

¹ GR 9(i)(6), available at http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr09.