



# WSBA

## CIVIL LITIGATION RULES DRAFTING TASK FORCE

### Meeting Minutes

March 30, 2017

Committee Chair Ken Masters called the meeting to order at 9:30 a.m.

Members present: Chair Ken Masters, Stephanie Bloomfield (phone), Jeffrey Damasiewicz, Rebecca Glasgow, Kim Gunning, Hillary Evans Graber (phone), Caryn Jorgensen (phone), Shannon Kilpatrick, Jane Morrow, Averil Rothrock, Christie Fix (attending for Michael Subit), Adam Tabor, Roger Wynne, Judge John Ruhl, Judge Rebecca Robertson, Judge Paula McCandlis, Judge Bradley Maxa, Shannon Hinchcliffe (AOC Liaison), and Sean Michael Davis (BOG Liaison).

Members excused from attending: Nick Gellert, Ruth Gordon, Brad Smith,

Also attending: Kevin Bank (Staff Liaison), and Sherry Lindner (Paralegal).

### **WELCOME/INTRODUCTIONS:**

The Chair welcomed the Task Force and asked each member to introduce him or herself. He noted that the Task Force members represent a wide variety of different interests and practice areas, including plaintiff's lawyers, defense lawyers, Judges, the President of the Association of County Clerks, a representative from the Access to Justice Board, etc.

The Chair explained the history of the Escalating Cost of Civil Litigation (ECCL) Task Force and the evolution of the current Task Force. The ECCL was formed to assess the costs of civil litigation in Washington courts and to develop recommendations to control them. In June of 2015, the ECCL issued its final report and presented it to the Board of Governors (BOG). The BOG began a year-long process of public outreach, vetting and consideration of the ECCL proposals.

In July 2016, the BOG voted on the ECCL Task Force recommendations, adopting some and rejecting others. It soon became clear that many of the Board-supported recommendations would require implementing amendments to the Superior Court Rules and/or Civil Rules for the Courts of Limited Jurisdiction. As a result, the BOG created the current Task Force.

The Chair confirmed that six subcommittees have been formed to consider and, if appropriate, recommend amendments to the relevant Court Rules to the BOG:

- Initial Case Schedules, chaired by Roger Wynne
- Individual Judicial Assignment, chaired by Hillary Evans Graber
- Early Discovery Conferences, chaired by Hon. John Ruhl
- Initial Disclosures, chaired by Hon. Rebecca Glasgow
- Cooperation, chaired by Jane Morrow
- Mediation, chaired by Averil Rothrock

Each subcommittee will have three to four members. Subcommittee meetings and Task Force meetings are open to the public. The Chair stressed that stakeholders outside of the Task Force membership can provide valuable input. He encouraged the subcommittees to solicit stakeholder input. During the rule making process, input of other members and stakeholders is crucial to the process of vetting and scrubbing a rule.

Chair Masters further discussed the Task Force's timeline and deadlines. Ideally, the Task force will complete its work and have recommendations ready to forward to the BOG by April 2018. This would provide enough time for the BOG to vote on any recommendations and forward those to the Supreme Court by fall 2018.

Mr. Bank discussed that WSBA is subject to public disclosure requirements that are similar but not identical to those governing state agencies. All communications, including emails on which WSBA staff is copied, can be subject to disclosure if requested. The Task Force does not have executive session and all Task Force meetings (including subcommittee meetings) are open to the public. Mr. Bank also said he would provide a template "Report" for subcommittee Chairs to complete on a monthly basis so that all members of the Task Force are kept apprised of each subcommittee's work and progress.

Ms. Lindner explained the reimbursement policy – parking and mileage will be reimbursed. The Bar will reimburse the cheapest method of traveling and asked members to be considerate if they need hotel accommodations. Ms. Lindner also stated that if it is easier to attend meetings by telephone to please do so.

Chair Masters thanked everyone and is looking forward to a very productive year.

Next meeting is scheduled for April 27, 2017.

The meeting adjourned at 11:00 a.m.