

CIVIL LITIGATION RULES DRAFTING TASK FORCE

Meeting Minutes

June 7, 2018

Members Present:

Chair Ken Masters, Stephanie Bloomfield (by phone), Hozaifa Cassubhai (by phone), Jeffrey Damasiewicz (by phone), Rebecca Glasgow (by phone), Kim Gunning, Hillary Evans Graber (by phone), Caryn Jorgensen, Shannon Kilpatrick (by phone), Jane Morrow, Michael Subit, Roger Wynne, Judge John Ruhl, Judge Rebecca Robertson, and Judge Bradley Maxa.

Members Excused:

Nick Gellert, Averil Rothrock, Brad Smith, Judge Paula McCandlis, Ruth Gordon, and Shannon Hinchcliffe (AOC Liaison).

Also Attending:

Nicole Gustine, WSBA Staff Liaison, and Sherry Lindner, WSBA Paralegal.

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

April 26, 2018 minutes were approved by consensus.

The Task Force discussed and voted on the following rules:

Civil Rule 26(b)(5)(a)(ii) (Proposed by Initial Case Schedule)

Subcommittee motion was made to adopt the proposal as written.

Motion passed unanimously.

Civil Rule 37(d) (Proposed By Initial Case Schedule)

Motion was made and seconded to discuss CR 37(d).

The Task Force discussed adding “complete and” before “timely.”

(1) to make complete and timely initial disclosures as required by rule 26;

Upon further discussion, motion was made and seconded to withdraw the proposal to add “complete and” to the proposal.

Motion was made and seconded to strike “timely” from the proposal.

(1) to make initial disclosures as required by rule 26.

Motion passed unanimously.

Civil Rule 37(e) (Proposed by Early Discovery Conferences)

Subcommittee motion was made to adopt the proposal as written.

Motion passed unanimously.

Civil Rule 37(f) (Proposed by Cooperation)

Subcommittee motion was made to adopt the proposal as written.

Motion passed unanimously.

Civil Rule 26(f) (Proposed by Early Discovery Conferences)

Motion was made and seconded to strike subsection B “Notice of Discovery Conference.”

Motion passed unanimously.

The Task Force discussed adding the following language:

(C) Joint Discovery Plan and Status Report. Not later than 14 days after the initial discovery conference, the plaintiff shall file and serve a joint discovery plan and status report stating the parties’ positions and proposals on the subjects set forth in CR 26(f)(2)(1)(B). The joint discovery plan and status report shall be in a form that substantially complies with any joint status report form that may be prescribed by the court, shall be signed by all parties or their counsel, and shall certify that the parties reasonably cooperated to reach agreement on the matters set forth in the joint discovery plan and status report.

Motion to adopt the amended proposal passed unanimously.

Motion passed, as amended, unanimously.

Civil Rule 26(f) Joint Status Form (Proposed by Early Discovery Conferences)

The Task Force recommended a friendly amendment to change “Joint Status Report” to “Joint Discovery Plan and Status Report.”

Motion was made to recommend the proposal with the friendly changes.

Motion passed unanimously.

Civil Rule 77 (Proposed by Individual Judicial Assignment and Pretrial Conferences)

The Task Force recommended a friendly amendment to change “Judge” to “Judicial Officer.”

Motion was made to recommend the proposal with the friendly changes.

Motion passed unanimously.

Civil Rules for Court of Limited Jurisdiction (CRLJ)

CRLJ 1 (Proposed by Cooperation)

Subcommittee motion was made to adopt the proposal, as written.

Motion passed unanimously.

New CRLJ 3.1, CRLJ 26(excluding the Cooperation Proposal), and CRLJ 40

The Task Force discussed that due to the time constraint, stakeholders did not have enough time to review the CRLJs proposals.

Motion was made and seconded that the Task Force recommends to the Board of Governors (BOG) that the Task Force will not forward New CRLJ 3.1, CRLJ 26 (excluding the Cooperation proposal), and CRLJ 40 to the BOG.

Motion passed with 9 in favor and 2 opposed.

CRLJ 11 (Proposed by Cooperation)

Subcommittee motion was made to adopt the proposal, as written.

Motion passed unanimously.

CRLJ 26 (Proposed by Cooperation)

Subcommittee motion was made to adopt the proposal, as written.

Motion passed unanimously.