



WSBA

WASHINGTON STATE BAR ASSOCIATION

CIVIL LITIGATION RULES DRAFTING TASK FORCE

(Adopted by the WSBA Board of Governors November 18, 2016)

CHARTER

Background

The WSBA Board of Governors created the Task Force on the Escalating Cost of Civil Litigation (ECCL Task Force) in 2011 to assess the costs of civil litigation in Washington courts and develop recommendations to control costs, with the objective to make the civil justice system both affordable and accessible while preserving the paramount goal of justly resolving disputes. The ECCL Task Force charter directed the task force to focus on the types of litigation typically filed in our state's superior and district courts, to compare litigation costs in Washington with those in neighboring and similarly situated states and in federal courts, and to survey pertinent reports and recommendations from prominent organizations.

Seattle lawyer and former Board member Russ Aoki chaired the 17-member task force, which issued its final report June 15, 2015 ("Task Force on the Escalating Costs of Civil Litigation Final Report to the Board of Governors") and presented the report to the Board of Governors at its July 2015 meeting. The Board convened public discussions on each of the report's recommendations during its January, March, and April 2016 meetings. It also received numerous written comments from members and stakeholders. At the June 3, 2016, meeting, the Board held a first reading and took provisional votes on the twelve specific task force recommendations. The Board took final action on each task force recommendation at its July 22, 2016 meeting and issued a report ("Report of the Board of Governors of the Washington State Bar Association on the Recommendations of the Escalating Costs of Civil Litigation Task Force"), which was shared with the Supreme Court in August 2016.

Many of the Board-supported recommendations of the ECCL Task Force would require implementing amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction. Under WSBA Bylaws Section IX(B)(2), the Board creates and authorizes a drafting task force with the specific purposes set forth in this charter.

Task Force Purpose

- Review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations.
- Prepare draft amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction (together with necessary and appropriate conforming amendments to other rules).

- Solicit and receive input from lawyers, judges, and other interested persons and entities, on the suggested amendments.
- After consideration of the input, present a set of suggested rule amendments to the Board of Governors.

Timeline

- Submit a final set of draft rule amendments for first reading by the Board of Governors by no later than the Board's May 2018 meeting.
- Prepare a Board-approved set of suggested rule amendments for submission to the Supreme Court before the first available GR 9 deadline after the draft amendments are approved by the Board.
- The Task Force should provide updates to the Board of Governors every six months on its progress.

Membership

This Task Force will consist of the following voting members:

- A WSBA member who shall serve as Chair;
- Not fewer than ten WSBA members knowledgeable about Washington's superior court and/or district court civil justice systems, including at least one civil trial lawyer with substantial experience representing plaintiffs, at least one civil trial lawyer with substantial experience representing defendants, and at least one lawyer or judge who is a current or former member of the Washington State Access to Justice Board;
- A superior court judge and a district court judge;
- A representative of the Washington State Association of County Clerks.

This Task Force may also include the following voting members, if available to serve:

- A representative from the Washington Court of Appeals;
- A representative of the federal judiciary.

In accordance with WSBA Bylaws Section IX(B)(2)(a)-(b), selection of persons to be appointed to the task force and the chair will be made by the President with approval of the Board of Governors.