

WASHINGTON STATE BAR ASSOCIATION

To: Stakeholders and Interested Parties
From: Hillary Graber, Civil Litigation Rules Drafting Task Force
Re: Draft Proposal to Amend Civil Rule 77

Please find enclosed for your review and comment a draft proposal to amend Civil Rule 77 to add a section concerning judicial assignment in counties where more than one judge sits. This draft proposal is not final, and your input is important and welcome.

This draft proposal comes from the WSBA's Civil Litigation Rules Drafting Task Force. The Civil Litigation Rules Drafting Task Force was formed to draft the language to implement the WSBA Board of Governors' recommendations coming out of the 2015 Final Report to the WSBA Board of Governors from the Task Force on the Escalating Costs of Litigation ("ECCL"). The ECCL recommended that language regarding judicial assignment be added to Civil Rules. The Board of Governors adopted that recommendation.

The ECCL recognized that having one judge assigned to a civil case from start to finish can improve judicial efficiency and reduce the cost of litigation. A judge who is already familiar with the parties and issues can more effectively manage discovery disputes, pretrial motions, and trial. On the other hand, counties vary significantly with respect to the number of judges that hear civil cases. The ECCL recognized the importance of adopting a rule that allowed smaller jurisdictions to manage civil cases in the most efficient manner possible.

The attached draft proposal attempts to reconcile these competing concerns by recommending the assignment of a single judge to conduct all proceedings in a civil case after filing but allowing counties where pre-assignment is not practicable to assign a single judge only upon a written motion by a party or upon the court's own motion.

As part of the drafting process, the Civil Litigation Rules Drafting Task Force seeks feedback about the draft language. Please feel free to distribute these materials within your organization or firms, or to other people or groups who may have an interest in weighing in. Stakeholder input is crucially important in the rulemaking process and assists the Civil Litigation Rules Drafting Task Force in making an informed decision.

Please provide any comments to Hillary Graber at CLTF@wsba.org by **April 1, 2018**.

For more information about the Civil Litigation Rules Drafting Task Force, please visit: <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Civil-Litigation-Rules-Drafting-Task-Force>

Please note that this proposal is the first of several proposed rule changes arising out of the WSBA Board of Governors' recommendations based on the ECCL's work. The Civil Litigation Rules Drafting Task Force will vet each proposal with you in the coming months.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 77 – Superior Courts and Judicial Officers

1 **[(a)-(h) unchanged.]**

2 **(i) ~~Sessions Where More than One Judge Sits—Effect of Decrees, Orders, etc.~~**

3 ~~[Reserved. See RCW 2.08.160.]~~ Judicial Assignment. A judge should be assigned to each case
4 upon filing. The assigned judge shall conduct all proceedings in the case unless the case is
5 reassigned to a different judge on a temporary or permanent basis. In counties where local
6 conditions make routine judicial assignment impracticable, the court may assign any case to a
7 specific judge upon written motion of any party or on the court’s own motion.

8 **[(j)-(n) unchanged.]**