

Meeting Minutes

June 17, 2019

Members Present:

Chair Jefferson Coulter, Olga Blotnis, Claire Carden, Rike Connely, Stephanie Dikeakos, Tony DiTommaso, Richard Greene, Karen Horowitz, John Ledford, Sarah Lee, Alison Markette, Tim Moran, Isham Reavis, Ashton Rezayat, Dalynne Singleton, Ann Summers, and Jon Zimmerman.

Members Excused:

Mimy Bailey, Jody Cloutier, Bertha Fitzer, Geoff Grindeland, D. Jack Guthrie, Joyce Heritage, Kirk Miller, Rachael Rogers, Rooein Roshandel, James Smith, and Brian Zuanich.

Also Attending:

Judge Blaine Gibson (SCJA Liaison), Judge Bradley Maxa (COA Rules Committee Chair), Mike Chait (WDTL), and Nicole Gustine (WSBA Assistant General Counsel),

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

May 20, 2019, minutes were approved. Those in favor were: Blotnis, Carden, Dikeakos, DiTommaso, Greene, Horowitz, Ledford, Markette, Moran, Reavis, Rezayat, Singleton, Summers, and Zimmerman. Connely abstained.

MAR Subcommittee

Subcommittee Chair Stephanie Dikeakos reported that the subcommittee had worked on proposed language for MAR 7.2 regarding the sealing and unsealing of arbitration awards. The proposal was sent to stakeholders and two comments were received. One comment was, “no comment,” and the other comment was in favor of the proposal. Judge Gibson pointed out a practical problem from the clerks’ point of view which is how to track when records are to be unsealed. As it is a rare occurrence, such a change may result in extra work if unsealing is required for all awards, not just upon request. Subcommittee Chair Dikeakos mentioned that the Washington State Association of County Clerks were also proposing language about sealing and unsealing of award records. Chair Coulter offered a friendly amendment to the proposed language, inserting the words “If requested,” at the beginning of the third sentence.

Thus, proposed MAR 7.2 (a) would read:

(a) Sealing. The clerk shall seal any award if a trial de novo is requested. Judicial officer access to the award is prohibited while it is sealed. If requested, the clerk shall unseal the award if all requests for a trial de novo are withdrawn or at the conclusion of the trial de novo, whichever occurs first.

WASHINGTON STATE
BAR ASSOCIATION
Court Rules and Procedures Committee

The committee voted upon the proposal containing this friendly amendment. Those in favor were: Blotnis, Carden, Connelly, Dikeakos, DiTommaso, Greene, Horowitz, Ledford, Markette, Moran, Reavis, Rezayat, Singleton, Summers, and Zimmerman. Lee abstained. The motion passed and the proposed language will now be moved forward to the Board of Governors for consideration.

There being no further business, the meeting was adjourned.