

# WASHINGTON STATE BAR ASSOCIATION

## Court Rules and Procedures Committee

### Meeting Minutes

January 11, 2021

Members Present: Chair Isham Reavis, Kristin Ballinger, Claire Carden, Paul Crisalli, Stephanie Dikeakos, Tony DiTommaso, Brian Esler, Duffy Graham, Ofelia Granados, Richard Greene, Ashton Rezayat, James Smith, Emory Wogenstahl, and Jon Zimmerman.

Members Excused: Jody Cloutier, Karen Knutsen, John Ledford, Eric Lindberg, Margaret Macrae, Sara Mooney, Tim Moran, Sarah Nagy, Rachel Reynolds, Jeff Sbaih, Kathleen Shircliff, Mara Snyder, Ann Summers, and Gov. Lauren Boyd (BOG Liaison).

Also Attending: Judge Blaine Gibson, Judge Bradley Maxa, Shannon Hinchcliffe (AOC Liaison), Kyla Jones (WSBA Paralegal), Nicole Gustine (WSBA Assistant General Counsel), and President-Elect Brian Tollefson.

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Chair Isham Reavis called the meeting to order at 9:44 a.m.

1. Approval of Minutes

The November 9, 2020 minutes were approved by consensus with one friendly amendment.

2. Subcommittee Reports

a. RAP Subcommittee

Subcommittee Chair Brian Esler gave a report on the RAP Subcommittee. The subcommittee is looking further into e-filing and e-service rule proposals.

b. RALJ Subcommittee

Subcommittee Chair Claire Carden gave a report on the RALJ Subcommittee. The subcommittee will meet in February to review the assigned rules, and will prepare proposed rule changes at the March or April meeting.

c. Subcommittee X

Subcommittee Chair Tony DiTommaso gave a report on Subcommittee X. The subcommittee will prepare proposed rule changes for the February or March meeting.

3. Equity and Disparity Workgroup Update

Chair Isham Reavis gave a report on the work of the Equity and Disparity Workgroup on behalf of the Committee's delegate, former Chair Jefferson Coulter.

4. Other Business

The Committee will reschedule the February 15, 2021 Committee meeting as that date falls on a holiday. Kyla Jones will survey members for their availability.

There being no further business, the meeting adjourned at 9:57 a.m.

# WASHINGTON STATE BAR ASSOCIATION

## Court Rules and Procedures Committee

February 18, 2021

### **RAP Subcommittee Report**

We did not have a quorum for a meeting last month, but have split up into subgroups to look at the following potential issues with the RAPs and report at our next meeting, welcome any other items:

1. Motions on the Merits (RAP 18.14). All three divisions of the Courts of Appeals have decided not to use this procedure by general order (per RAP 18.14(k)). It is unknown whether the Supreme Court still uses this procedure. However, we discussed whether the rule should be abandoned altogether if it is not really being used. Judge Maxa offered to investigate more with the Supreme Court as to its current practice.
2. RAP 2.2(c): We discussed why traffic infractions were singled out, and some discussion was had that the amount of some infractions can be substantial. (There is an RCW limiting Court of Appeals jurisdiction to amounts in controversy over \$200.) There was some discussion of whether such infractions could nonetheless be reviewed via RAP 2.3 (discretionary review). More investigation is needed as to whether this really is a problem.
3. We discussed whether the rules need to be clarified as to when the time starts to run for appealing a summary judgment order in light of a recent Supreme Court decision stating that the period begins upon an oral decision, not necessarily the entry of the order. More investigation is needed. Decision is here: <http://www.courts.wa.gov/opinions/pdf/974942.pdf>
4. Whether RAPs should be amended to mandate e-filing & e-service (Roger Wynne proposal).

Submitted by:



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Brian Esler, RAP Subcommittee Chair

