

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes **February 12, 2024**

Members Present: Michael Chait, Chair, Charles Adams, Stephanie Dikeakos, Bill Elsinger, Jessica Fleming, James Horne, Eric Lindberg, Michelle Maley, Martin Mooney Jr., Matthew O’Laughlin, Kelly Oshiro, Laurel Smith, Andrew Van Winkle, Geoffrey Wickes, and Amanda Williamson.

Members Excused: Matthew Antush, Magda Baker, Brian Flaherty, Tamara Gaffney, Loni Hinton, John Hoglund, Christine Olson, Scott Prichard, and Matthew Stoloff.

Also Attending: Judge Blaine Gibson, Judge Bradley Maxa, Judge Wade Samuelson, Nicole Gustine (WSBA Assistant General Counsel), Kyla Reynolds (WSBA Paralegal), David Ward (AOC Liaison).

The meeting was called to order at 9:30 a.m. once a quorum was established.

1. Approval of Minutes

A motion was made and seconded to approve the minutes of the January 29, 2024, meetings. The motion passed by unanimous consent.

2. Subcommittee Reports

- Mandatory Arbitration Rules: Defer to next meeting.
- Civil Rules:
 - CR 26. The Committee reviewed two proposed changes to CR 26: (1) a proposal from the BJA, which would allow for remote depositions; and (2) a proposal from the Civil Litigation Rules Task Force, regarding expert witness disclosure. Committee members were encouraged to submit comments in their personal capacities to these rules. A motion was made and seconded to make no comments to CR 26 proposals. The motion passed by consent. Chair Michael Chait and Jessica Fleming objected to the motion.
 - CR 28 and 30. The Committee reviewed two proposed changes to CR 28 and 30. The subcommittee recommended opposing the proposed amendments. A motion was made to comment on these rules but failed due to lost quorum.
 - CR 30. The Committee reviewed a second proposal to CR 30, from the BJA, which would allow remote depositions of witnesses. Discussion regarding concerns with the 3-day deadline from receipt of deposition notice and would suggest a 7-day deadline.

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- CR 59 and GR 3.1(a)(2). The Committee reviewed the CR 59 and GR 3.1(a)(2) proposals. CR Subcommittee and Subcommittee X both reviewed these matters. CR Subcommittee and Subcommittee X recommended opposing the amendments to CR 59 and new GR 3.2, and instead recommends amendments to GR 3.1(a)(2).
- Civil Rules for Courts of Limited Jurisdiction: Defer to next meeting.
- Subcommittee X: Agenda item not taken up.

The meeting adjourned at 9:55 a.m. *The next meeting is scheduled for March 25, 2024.*

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Meeting Minutes **February 13, 2024**

Members Present: Michael Chait, Chair, Magda Baker, Stephanie Dikeakos, Bill Elsinger, Tamara Gaffney, John Hoglund, James Horne, Eric Lindberg, Michelle Maley, Kelly Oshiro, John Prichard, Andrew Van Winkle, and Geoffrey Wickes.

Members Excused: Charles Adams, Matthew Antush, Brian Flaherty, Jessica Fleming, Loni Hinton, Martin Mooney Jr., Matthew O’Laughlin, Christine Olson, Laurel Smith, Matthew Stoloff, Amanda Williamson.

Also Attending: Judge Wade Samuelson, Judge Catherine McDowall, Nicole Gustine (WSBA Assistant General Counsel), Kyla Reynolds (WSBA Paralegal), David Ward (AOC Liaison), Governor Allison Widney (BOG Liaison).

The meeting was called to order at 8:30 a.m. once a quorum was established.

1. Civil Rules:

- CR 28 and 30. A motion was made and seconded to approve the Subcommittee’s comment for submission to the Board of Governors. The motion passed unanimously.

The meeting adjourned at 8:45 a.m. *The next meeting is scheduled for March 25, 2024.*