

Court Rules and Procedures Committee

AGENDA

September 14, 2020

9:30 AM – 1:00 PM

Zoom Toll-Free Call Numbers: 833-548-0282
877-853-5247
888-788-0099
833-548-0276

Meeting ID: 936-5642-3378

Call to Order/Preliminary Matters

- Approval of Minutes
 - June 8, 2020

- Subcommittee Reports
 - Mandatory Arbitration Rules (MAR) Subcommittee
 - Civil Rules for Superior Courts (CR) Subcommittee
 - Civil Rules for Courts of Limited Jurisdiction (CRLJ) Subcommittee
 - i. CRLJ 17, 56, 60
 - Subcommittee X
 - i. ER 413

- WSBA Equity and Disparity Work Group

- Goodbye and thank you to non-returning committee members:
 - Chair Jefferson Coulter, Rike Connelly, Joyce Heritage, Karen Horowitz, Sarah Lee, Alison Markette, Kirk Miller, Rachael Rogers, Rooein Roshandel, and Brian Zuanich.

- Other Business for the Good of the Order

Adjourn



WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes

June 8, 2020

Members Present: Chair Jefferson Coulter, Kristin Ballinger, Claire Carden, Stephanie Dikeakos, Brian Esler, Duffy Graham, Richard Greene, Karen Horowitz, John Ledford, Sarah Lee, Alison Markette, Isham Reavis, Jeff Sbaih, James Smith, Ann Summers, Emory Wogenstahl, Jon Zimmerman, and Brian Zuanich.

Members Excused: Jody Cloutier, Rike Connelly, Tony DiTommaso, Joyce Heritage, Kirk Miller, Tim Moran, Rachel Reynolds, Ashton Rezayat, Rachael Rogers, Rooein Roshandel.

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

Chair Coulter called the meeting to order at 9:40 a.m.

1. Approval of Minutes

The May 11, 2020, minutes were approved by consensus.

2. Subcommittee Reports

• MAR Subcommittee

The MAR Subcommittee had nothing to report.

• CR Subcommittee

Subcommittee Chair Brian Esler is working to obtain materials from the previous chair.

• CRLJ Subcommittee

The CRLJ Subcommittee presented rule changes to CRLJ 17, 56, 60. The Committee approved these changes as recommended, with a friendly amendment to CRLJ 17. Shannon Hinchcliffe, Administrative Office of the Courts Liaison, will review the proposals for technical consistencies. These proposed rule changes will be sent to stakeholders for comment after feedback is received from Ms. Hinchcliffe.

• Subcommittee X

Subcommittee X presented rule changes to ER 413(a)(5) and ER 413(b)(1). The Committee approved these changes as recommended. These will be sent to stakeholders for comment.

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

3. Response to Letter from President Rajeev Majumdar and Interim Executive Director Terra Nevitt

Chair Coulter drafted a letter in response to President Majumdar and Interim Executive Director Terra Nevitt's letter. A motion was made and seconded to approve Chair Coulter's draft as the final document. WSBA staff will facilitate sending this letter.

4. Recruitment

Eligible Committee members were reminded of the deadline to re-apply if their terms were ending at the end of this fiscal year. Chair Coulter reminded members that his chair term was up at the end of the year and he is not eligible for reappointment.

5. Other Business/Good of the Order

There being no further business, the meeting adjourned at 10:20 a.m.

Law Office of Tony DiTommaso, P.S.

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Kambra Mellergaard
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August 13, 2020

Jefferson Coulter
Jeffersonc@nwjustice.org

Re: *Email from Glen Slate*

Dear Jefferson:

With this letter you should be receiving a copy of an email I received from Kyla regarding an email sent to her by attorney Glenn Slate on Monday, July 27.

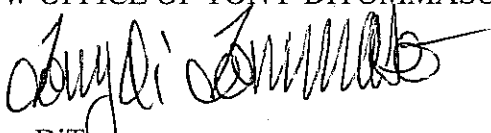
The subcommittee discussed Mr. Slate's email by way of email, and it is the unanimous agreement of the committee that if a response is to be made to Mr. Slate's email it should be made by you.

The committee believes that an appropriate response to Mr. Slate's email is that the committee has taken no position as to "whether immigration status should not be admissible in a child custody case" and that, pursuant to the GR 9 coversheet regarding the rule change, the purpose was twofold, first to have the rule accurately reflect what it was intended to say and second, clarifying the procedures to use regarding seeking admission of immigration status.

If you have any questions for me, please give me a call.

Sincerely,

LAW OFFICE OF TONY DITOMMASO, P.S.



Tony DiTommaso
Attorney at Law

TD:st

Enclosure

cc: Subcommittee X

Tony DiTommaso

From: Kyla Jones <Kylaj@wsba.org>
Sent: Tuesday, July 28, 2020 10:42 AM
To: Tony DiTommaso
Cc: isham@aokilaw.com; blaine.gibson@co.yakima.wa.us
Subject: FW: Comment on proposed rule changes to ER 413

Tony, please see the below inquiry regarding the proposed amendment to ER 413 from Mr. Glenn Slate.



Kyla Jones | Paralegal II | Office of General Counsel

Washington State Bar Association | 206-733-5941 | Kylaj@wsba.org
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*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

From: Kyla Jones
Sent: Tuesday, July 28, 2020 10:41 AM
To: 'glenn@heritagefamilylaw.com' <glenn@heritagefamilylaw.com>
Subject: RE: Comment on proposed rule changes to ER 413

Hello Mr. Slate, I have forwarded your inquiry to the subcommittee chair. Thank you for writing to us.



Kyla Jones | Paralegal II | Office of General Counsel

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*Most WSBA employees are working remotely.
Thank you for your patience and understanding.*

From: Glenn Slate <glenn@heritagefamilylaw.com>
Sent: Monday, July 27, 2020 11:58 AM
To: WSBA CourtRules <WSBACourtRules@wsba.org>
Subject: Comment on proposed rule changes to ER 413

Upon reviewing the proposed rule changes to ER 413, I come up with a question. Is it the committee's position that immigration status should not be admissible in a child custody case?
It seems to me that citizenship status may effect some issues common in child custody cases.

Glenn Slate

Attorney | Heritage Family law
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