



WSBA

COURT RULES AND PROCEDURES COMMITTEE

Meeting Minutes May 21, 2012

Committee Chair Ken Masters called the meeting to order at 9:35 a.m.

Members present: Chair Ken Masters, Roy Brewer (by phone), Steven Buzzard (by phone), Mario Cava (by phone), Leslie Clark (by phone), Paul Crisalli (by phone), Toni DiTommaso (by phone), Hillary Evans (by phone), Dale Johnson (by phone), Shannon Kilpatrick (by phone), Kathleen Nelson (by phone), Aaron Rock (by phone), Ann Summers (by phone), Judge Kevin Korsmo (by phone), Judge Blaine Gibson (by phone) and Judge Rebecca Robertson.

Also attending were Marc Silverman (by phone), Nikole Hecklinger (SCRAP), Mike Runyan (ATJ Legislative Committee, by phone), Darlene Neumann (WSBA Paralegal), Elizabeth Turner (Assistant General Counsel), and Anna Schmidt (WSBA Paralegal).

Minutes

The Chair deferred approval of the February 27, 2012 meeting minutes the next meeting due to the lack of a quorum. Rebecca Engrav and Kathleen Nelson had both submitted changes to the minutes via email.

Chair's Report

The Chair reported he had no old business to discuss and that he would participate in the report of the PRP Subcommittee.

Subcommittee Reports

CR/CRLJ Subcommittee: Ms. Engrav was unable to make the meeting. Paul Crisalli gave the subcommittee report in her place. Mr. Crisalli reported that the subcommittee is working on proposed amendments to:

- CR 4.1 (Process-Domestic Relations Actions), with the intent of making the rule track existing substantive law. Mr. Crisalli described this as being actually more of an issue with amending the forms than amending the rules. Letters have gone out to stakeholders.

- CR 5 (Service and Filing of Pleadings). Several proposals were previously brought to the full committee regarding the issue of law offices that cannot be served. The Subcommittee is now going in a new direction and is attempting to determine the true extent of the issue. They have contacted the WSBA Solo and Small Practice Section and are waiting to hear back from them.
- CR 65 (Injunctive Relief). This is a proposal to create a CRLJ 65 that mirrors CR 65 due to changes in the Washington State Constitution. The Subcommittee sent letters to stakeholders and would like to make sure there's nothing in CR 65 that should not be in a mirror version of CRLJ 65.
- CR 6 (Time) and CR 72 (Notice of Intent to Withdraw): The Subcommittee is now working through CR 6, specifically as it applies to counting backwards, and CR 72, specifically with regard to amending the rule to remove service by certified mail. The latter amendment stems from an attorney who has had clients that have made it difficult for the attorney to withdraw from representation.

The Chair pointed out that he's worried about the amount of work that still needs to be done by the Subcommittee and the timeframe left for completing it, especially since proposals brought before the full Committee for this year must be brought to a vote at the June committee meeting.

Ms. Turner suggested to the Subcommittee that they put the amendment to 4.1 low on their list of priorities since the BOG approved, at its last meeting, the Local Rule Task Force's revised proposed Family Law Civil Rules (FLCRs) to be sent to the Supreme Court. The proposed FLCR's, which have been rewritten at the request of the SCJA since the Court published them for comment, now include the text from many of the CRs. If the FLCRs are enacted, CR 4.1 will no longer exist. Mr. Silverman added that the current BOG is extremely busy regarding issues related to the referendum and would consider a proposed amendment such as this to be a low priority that may not receive attention in this fiscal year.

PRP Subcommittee: The Chair reported that the Subcommittee has reached an agreement with WACDL to ask the Supreme Court to defer a decision on this until next year. The reason for this is that the proposed amendments require a tremendous amount of work, the changes are quite significant, and it's better to work on the proposed amendments to RAPs in-cycle. The Chair will send a letter to Justice Johnson and Judge Korsmo respectfully requesting that WACDL's proposed amendments be tabled until next year.

Subcommittee Chair Ann Summers reported that the Subcommittee has worked through the proposed revisions and arrived at a certain amount of consensus on the first three proposals, which have to do with personal restraint petitions, and are now working on the fourth and fifth rules. They will have two more meetings in June and July and then, with Justice Johnson's approval, they will put off the rest of the work until the new season (October 2012). The Chair agreed that doing it in one season may

have been too much and that having the Subcommittee work through July would be terrific, and agreed that it would be appropriate for the Subcommittee to then table their work until the new RAP Subcommittee starts up in October. The Chair stated that the letter to Justice Johnson and Judge Korsmo will be emailed and a hardcopy mailed today.

ES: Subcommittee Chair Hillary Evans stated there was nothing new to report. The Chair reported they are trying to get the one rule they've looked at so far this year before the ATJ Board for approval.

There were no reports from Subcommittee X or the MAR Subcommittee. The Chair expects there will be a long meeting next month.

The meeting adjourned at 9:54 a.m.