



WSBA

LOCAL RULES TASK FORCE

Meeting Minutes

July 17, 2012

Co-Chair Lish Whitson called the meeting to order at 12:06 pm.

Members present: Co-Chair Lish Whitson, Jean Cotton (by phone), Donald Horowitz, Peter Karademos (by phone), Ron Miles (by phone), Gail Nunn (by phone), Judge Kimberley Prochnau, Julie Rattray, Judge Bruce Spanner. Also attending were Elizabeth Turner (WSBA staff liaison), Marc Silverman (BOG Liaison), Larry Vance, and Jane Morrow (litigation section).

Members excused: Co-Chair Justice Charles Johnson, Judge Joseph Burrowes, Judge Michael Cooper, Colleen Harrington, Judge Paris Kallas, Jeffrey Tilden, Rebekah Zinn.

Members who did not respond or attend: Judge Michael Cooper, Randolph Gordon, Barbara Miner, Judge Steven Scott, Kevin Stock.

Meeting Minutes

The January 9, 2012, meeting minutes were unanimously approved with two edits.

Old Business

Updates from Volunteers: Chair Whitson asked Jean Cotton and others who have worked with counties to update the group as to their progress. Ms. Cotton reminded the group that the protocol she had developed had been previously distributed; her normal process is to request copies of the local rules in Word format, she (plus any other volunteers) reviews the rules and drafts up a report, and then meets with the county representatives to go through the rules and her report, line by line. She has followed this process with several counties and the response has been very positive. Klickitat/Skamania Counties have the reports in their possession and are deciding what to do next. Pacific/Wahkuakum Counties are done. Thurston County is done. She has also met with Grays Harbor County but they have not been able to address the issues raised in her report at this time.

Ron Miles reported that he had met with Judge Frazier in Whitman County. He has also sent his report to Judge Baker of Stevens/Ferry/Pend Orielle counties; Judge Baker has now retired but is working with her replacement to address the issues raised in the report. He has also worked with Judge Strohmeier of Lincoln County and is waiting to hear back from the Judge. In Spokane County, Judges Tripplett and Cozza are working on the family law rules and the civil rules and seem quite invested in the process.

Pete Karademos stated he would contact Judge Monosmith, the new judge in Stevens/Ferry/Pend Orielle counties.

Judge Spanner stated on behalf of Benton-Franklin Counties that he has not been contacted by the volunteer listed; Ron Miles reported that he has spoken with Pat Austin a few times about their rules, but Judge Spanner indicated he should continue to be the point person for those counties. Ms. Cotton volunteered to work with the litigation section volunteer and with Judge Spanner; Pete Karademos will assist.

Chair Whitson asked Ms. Cotton if she would be willing to be the “lead trainer” for persons willing to work with the rest of the counties, and she agreed.

Marc Silverman stated that he had spoken with both Phil Buri and Lee Kerr about getting volunteers in their respective counties, per the matrix, and that he would follow up with them both this week.

Other groups also working on rules: Mr. Silverman stated that he was also the liaison to the Escalating Costs of Civil Litigation Task Force, chaired by Russ Aoki, and that group was looking at issues that would definitely impact court rules. Mr. Silverman has discussed the FLCR with them, and reported that the ECCL TF has benefitted from having guest speakers; he suggested that it might be beneficial for someone from our task force to meet with the ECCL TF, too. Chair Whitson stated that he is on the litigation subcommittee for the ECCL TF and questioned whether they would be as effective as the LRTF, given this group’s long history of working with the rules and the fact that the ECCL TF seems to be broken into smaller groups which may not work well for rules purposes.

Mr. Silverman also described the work the WSBA Court Rules & Procedures Committee is doing on CR 6, counting, “days are days,” and CR 5, including electronic service issues. Because the Court Rules & Procedures Committee has extensive experience in rule drafting and does substantial vetting of all their proposals, he feels optimistic that if all the groups work together we can accomplish that which we set out to achieve—the reduction of local rules and the establishment of statewide standards. Mr. Horowitz discussed his work on behalf of the ATJ Technology Subcommittee and concurred with Mr. Silverman.

FLCR. The FLCR have been published for comment, with a comment period expiring April 30, 2013.

Charter. Ms. Turner reminded the group that the Task Force charter expires December 31, 2012, which is before the end of the comment period on the FLCR, and stated that

there may be resistance to extending this group's charter again given the current extraordinary need for budget cuts as well as the possibility that other groups (such as, for example, the Court Rules & Procedures Committee) could be tasked with responding to comments on the rules. There was discussion about whether an extension should be requested, and consensus that it would be better for this group to be respond to comments on the FLCR. This would also give us more time to try to bring the other counties into compliance. Mr. Silverman will contact Executive Director Littlewood to inquire about having this voted on at the November meeting.

Future work. Chair Whitson reiterated the need to recruit volunteers statewide to work on all the counties' rules, and stated his belief that it would strengthen the Task Force's request for a charter extension if we were involved in work with the remaining counties by year end.

Suggestion for Style Manual: Judge Prochnau suggested that the task force consider developing a style manual, which could then be posted on the AOC or other websites and which would help counties still facing the daunting task of reviewing their local rules. Nan Sullins, Jean Cotton, and Judge Prochnau will start working on this, and will ask Judge Gibson (former LRTF member and current SCJA Liaison to the Court Rules & Procedures Committee) to assist.

There being no further business to come before the group, the meeting adjourned at 1:07 pm.