



WSBA

LOCAL RULES TASK FORCE

Meeting Minutes

April 7, 2008

Co-Chair Lish Whitson called the meeting to order at 12:05pm.

Members present: Judge Michael Cooper (by phone), Jean Cotton (by phone), Judge Blaine Gibson, Colleen Harrington, Lisa Hayden, Judge David Kenworthy, Ron Miles, Barbara Miner (by phone), Gail Nunn, Narda Pierce (by phone), Judge Jean Rietschel, Steve Scott, Marc Silverman, Jeffrey Tilden, and Judge Mary Yu (by phone). Members absent: Co-Chair Justice Charles Johnson and Randolph Gordon. Also attending were Peter Karademos (BOG Liaison), Salvador Mungia (BOG Liaison), Elizabeth Turner (WSBA staff liaison), Bob Welden (WSBA General Counsel), Nan Sullins (AOC Liaison) and Anna Schmidt (WSBA Paralegal).

Call to Order/Preliminary Matters: The minutes of January 10, 2008 were approved as submitted by consensus.

Family Law Rules Subcommittee Interim Report: Gail Nunn reported that there will not be any further revisions to the Family Law Rules Report [see pp. 5-29 of the April 7, 2008 meeting materials]. The subcommittee decided against an Excel Sheet format because many local family law rules do not correspond to civil rules, and there is little correlation between the local rules numbering system and that of the state civil rules. Thus, the report is organized by topic and quite lengthy, as some counties have rules that others do not. Ms. Nunn met with the Family Law Rules Executive Committee to get their input. The subcommittee plans to have an outline of a proposed numbering system and a summary of proposed statewide rules by next September.

Discussion ensued regarding whether the family law rules subcommittee should propose a new statewide rule on page limits. A suggestion was made to check with other states regarding how they organize their family law rules, which Ms. Nunn agreed to do. Discussion turned to the

inconsistency and apparent lack of statutory or civil rule basis for some local family law rules. Ms. Nunn suggested that the subcommittee create recommendations for cleaning up the rules, which they would take to the Family Law Rules Executive Committee for feedback and then incorporate the feedback into their report. This would allow the Family Law Rules Executive Committee to inform the task force what they feel has been missed and to educate lawyers regarding the rules. Discussion ensued regarding requiring each county to develop a pamphlet that could assist pro se litigants and making uniform statewide rules on the time for replying to motions.

Draft Preamble to the Local Rules Task Force Report: The members discussed proposed edits to the draft preamble. A copy of the draft preamble with the edits discussed at the meeting is attached for ease of reference. The committee agreed to revisit the preamble after the final Taskforce report has been written. Discussion turned to the creation of local rules in response to newly enacted legislation. Judge Yu suggested that the taskforce voice the need for the Supreme Court to promulgate emergency rules when necessary. Judge Gibson opined that the rules process works better when it first goes to the Court Rules Committee because their process of scrubbing and vetting proposed or amended rules is more thorough. Some members agreed that the “bottom up” rule-making process is best, while other emphasized that the emergency rule need only be in place while a rule is being reviewed. The Chair asked if the group could address the need for adopting local rules on an emergency basis at the next meeting. Ms. Miner will try to bring more examples of local rules that had to be enacted on an emergency basis. Judge Yu opined that she cannot support any provision that takes away local rule making authority, although she would support a “best practices” rule. The Chair requested that any further scrivener’s changes on the preamble be forwarded to Ms. Turner or her paralegal via email.

New Business: The Chair requested that those members who agreed to assist in writing the Task Force report [see p. 3 of the January 2008 minutes] get together and create a uniform compilation of the results of the three subcommittees. They will need to determine whether an Excel or narrative format, or an integrative report, is best. Judge Gibson will be the point person for organizing the meetings. The Chair also suggested creating an interim report that he, Elizabeth Turner, and Bob Welden could take to the Supreme Court in June or July. He invited anyone interested in participating to contact him.

Next Meeting is scheduled for May 12, 2008. If sufficient people are unable to attend on that date, the date will be rescheduled.

The meeting adjourned at 1:55 p.m.