



WSBA

LOCAL RULES TASK FORCE

Meeting Minutes

October 29, 2008

Co-Chair Lish Whitson called the meeting to order at 12:10 pm.

Members attending: Lish Whitson (Co-Chair), Jean Cotton (by telephone), Judge Blaine Gibson, Randolph Gordon, Colleen Harrington, Ron Miles (by telephone), Judge Jean Rietschel, Marc Silverman, and Judge Mary Yu (by telephone). Also attending: Peter J. Karademos (BOG Liaison, by telephone), and Elizabeth Turner (WSBA Staff Counsel).

Call to Order/Preliminary Matters: There was no quorum, and the minutes of the last meeting were not addressed.

Extension of Charter. Co-Chair Lish Whitson presented a revised proposed charter extension that he had edited. There was discussion regarding whether the task force should seek to include courts of limited jurisdiction, criminal rules, or other rules, when we have not yet finished our originally assigned tasks. If the task force were charged with reviewing local criminal rules, the task force would need to be restructured (for example, current “family law” members replaced by “criminal law” members). The task force wants to do its work in an orderly fashion, and has completed its review of civil and family law local rules; however, it has not completed its final report, and feels it needs guidance from the BOG.

- Does the BOG want the task force to look at other types of local rules?
- If the BOG approves the task force’s recommendations, does the BOG want the task force to be involved in implementation?
- The task force is extremely familiar with the local rules at this point, as well as the underlying issues. Should the task force be directed or authorized to begin judicial outreach and meetings with stakeholders?

General feeling was “we need to show we can pull this off before we ask to take on more.” Present to the BOG that “the task force has done A, B, and C at the Superior Court level; if, based on that work, the BOG wants us to continue on, then we would next recommend doing D, E, and F rules (in that order) and X, Y, and Z tasks.”

Mr. Whitson stated that at a recent conference he had been involved in a discussion regarding abuses of local practices, failure of jurisdictions to follow the MARs, etc. The task force discussed whether failing to follow local rules was a local or a state problem, and whether failure to follow state civil rules should best be handled as a state or local problem, but generally felt enforcement was outside the scope of the task force.

There was discussion regarding judicial outreach. Judge Yu had hoped that the meeting with superior court judges would happen at fall judicial conference, and it didn't. With the timeline now of reporting to the BOG in December, she doesn't see how it's feasible to do so before we report. But the task force is in agreement that we have to reach out and get others involved (WSBA rules committee, judges organizations, sections, stakeholders, etc.) in order for the task force's work to mean anything.

There was discussion regarding the current position of the Supreme Court, and a perceived reluctance to get involved in anything that's controversial. There was concern that this is now having a negative impact on the task force and its ability to truly accomplish anything.

The family law subcommittee is being proactive and going to family law judges in Eastern WA to present their work; they will tell them that this is in the works, not BOG approved, and get their feedback. They feel this is an important component of being able to finalize their work.

The task force decided to ask the BOG for authority to write an article for the Bar News and "get out there and start educating" stakeholders, peer groups, etc., and to in turn use that as leverage to get the Supreme Court back on board with the task force. The task force also feels it is important to report to the BOG that the task force feels it should be involved in the implementation phase, once its report is approved by the BOG.

Draft 3A

The task force turned its consideration to Draft 3A of the Report, which had been circulated prior to the meeting. General edits were made. Mr. Gordon and Judge Gibson will go through the report and attempt to do some further consolidation and eliminate redundancies.

Meeting adjourned at 2:40 pm.