

WASHINGTON STATE
BAR ASSOCIATION

To: Stakeholders and Interested Parties

From: Rebecca Glasgow, Civil Litigation Rules Drafting Task Force member

Re: Draft Proposal to Amend Civil Rule 26 and CRLJ 26

Please find enclosed for your review and comment draft proposals to amend Civil Rule 26 and Civil Rule of Limited Jurisdiction 26 to add a sections concerning initial disclosures. This draft proposal is not final, and your input is important and welcome.

These draft proposals arise from the WSBA's Civil Litigation Rules Drafting Task Force. The Civil Litigation Rules Drafting Task Force was formed to draft the language to implement the WSBA Board of Governors' recommendations coming out of the 2015 Final Report to the WSBA Board of Governors from the Task Force on the Escalating Costs of Civil Litigation ("ECCL"). The ECCL recommended that language regarding initial disclosures be added to Civil Rules. The Board of Governors adopted that recommendation. The prior task force on the escalating costs of civil litigation recognized that mandatory initial disclosures would improve efficiency for all parties and reduce the overall cost of litigation.

The attached draft proposal recommends requirements for initial disclosures. The Civil Litigation Rules Drafting Task Force studied the comparable Federal Rule of Civil Procedure 26 as well as initial disclosure rules from other states. Task force members also consulted with attorneys who practice in those states to determine what works well and what does not.

As part of the drafting process, the Civil Litigation Rules Drafting Task Force seeks feedback about the draft language. Please feel free to distribute these materials within your organization or firms, or to other people or groups who may have an interest in weighing in. Stakeholder input is crucially important in the rulemaking process and assists the Civil Litigation Rules Drafting Task Force in making an informed decision.

Please provide any comments to Sherry Lindner at CLTF@wsba.org by **June 1, 2018**.

For more information about the Civil Litigation Rules Drafting Task Force, please visit: <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Civil-Litigation-Rules-Drafting-Task-Force>

Please note that this proposal is one of several proposed rule changes arising out of the WSBA Board of Governors' recommendations based on the ECCL's work. The Civil Litigation Rules Drafting Task Force will vet each proposal with you in the coming months.