

Meeting Minutes
January 14, 2019

Members Present:

Chair Jefferson Coulter, Mimy Bailey, Olga Blotnis, Claire Carden (by phone), Rike Connelly (by phone), Stephanie Dikeakos, Tony DiTommaso, Bertha Fitzer, Geoff Grindeland (by phone), Karen Horowitz (by phone), Sarah Lee, Alison Markette (by phone), Tim Moran, Isham Reavis, Ashton Rezayat (by phone), Rachel Rogers (by phone), Dalynne Singleton (by phone), Ann Summers (by phone), Brian Zuanich, Judge Blaine Gibson, and Judge Kevin Korsmo.

Members Excused:

Jody Cloutier, D. Jack Guthrie, John Ledford, Kirk Miller, Rooein Roshandel, James Smith, Jon Zimmerman, and Judge Jeffrey Goodwin.

Also Attending:

Nicole Gustine (WSBA Assistant General Counsel), Shannon Hinchcliffe (AOC Liaison), Brian Tollefson (BOG Liaison), Michael Chait (WDTL), Dr. Robin Nussbaum (WSBA Inclusion & Equity Specialist), and Sherry Lindner (WSBA Paralegal).

Chair Jefferson Coulter called the meeting to order at 9:30 a.m.

The Committee had a Diversity in Decision-Making training with Dr. Robin Nussbaum.

Evidence Rule (ER) Subcommittee

Chair Coulter reported subcommittee chair Kirk Miller will reach out to the subcommittee within the next week to schedule their first meeting.

ER 413 – Immigration Status

In 2017, the Committee was tasked (by the proponent) to only review the proposal for language only, and the Subcommittee reported to the Committee that it could not accomplish a proper review of language without also looking at the substantive content. The Subcommittee informed the proponent of this and the proponent withdrew their request and submitted their proposed recommendation to the Court.

The new ER 413 was adopted effective September 1, 2018.

Judge Gibson expressed some concerns about the wording of the newly adopted ER 413 and asked if the Subcommittee may review the rule and correct the drafting problems.

Chair Coulter will ask the ER Subcommittee to review ER 413 and determine whether changes are appropriate.

Infraction Rules for Court of Limited Jurisdiction (IRLJ) Subcommittee

Subcommittee member Tim Moran reported on behalf of the chair Jon Zimmerman that the subcommittee held a telephonic meeting on January 9, 2019, and divvied up the rules amongst the members.

Chair Zimmerman has reached out to AOC and DMCJA for feedback on what possible rule(s) the subcommittee should review.

Subcommittee X

Subcommittee Chair DiTommaso reported to the Committee on GR 30(3) that was submitted by Jody Cloutier due to certain courts not accepting documents with a client's digital signature. The Subcommittee reviewed and discussed RCW 19.34.020 which defines a digital signature which includes an electronic signature. Upon further discussion, the Subcommittee voted that no action should be taken on this proposal because the rule itself already authorizes the filing of electronic documents with digital non-attorneys signature. A suggestion was made in the Subcommittee that perhaps AOC should send out a friendly reminder of the rule to all counties that non-attorney signatures can be filed electronically.

Chair DiTommaso also reported on CrR 8.2 and CrRLJ 8.2 which are carry-over from last year's committee. The proposed amendment to CrR 8.2 would allow motions for reconsideration and that such motion needed to be considered within 30 days, as in CR 59. The Subcommittee will have a final draft ready for next month's meeting to vote on.

MAR Subcommittee

Subcommittee Chair Dikeakos reported to the Committee that the proposed amendments submitted to the Committee are ready to be voted on. The Subcommittee has incorporated the Committee's changes and the stakeholder's feedback.

The Committee voted unanimously in favor of adopting the Subcommittee's recommendations.

The Committee discussed whether the proposed amendments to MAR 7.2 (which was not voted on) should be reviewed by Subcommittee X or handled by MAR Subcommittee. It was decided that the MAR Subcommittee was the appropriate place to review the proposed amendments to MAR 7.2. Chair Dikeakos and MAR Subcommittee will review this matter.

There being no further business, the meeting was adjourned at 11:15 a.m.