

Meeting Minutes
September 16, 2019

Members Present:

Chair Jefferson Coulter, Olga Blotnis, Stephanie Dikeakos, Tony DiTommaso, Richard Greene, Geoff Grindeland, Karen Horowitz, John Ledford, Sarah Lee, Alison Markette, Tim Moran, Isham Reavis, Ashton Rezayat, Dalynne Singleton, James Smith, Ann Summers, Emory Wogenstahl, and Jon Zimmerman.

Members Excused:

Claire Carden, Jody Cloutier, Rike Connelly, Jack Guthrie, Joyce Heritage, Kirk Miller, Rachael Rogers, Rooein Roashandel, and Brian Zuanich.

Also Attending:

Judge Blaine Gibson (SCJA Liaison), Judge Bradley Maxa (COA Rules Committee Chair), Shannon Hinchcliffe (AOC Liaison), Nicole Gustine (WSBA Assistant General Counsel), and Kyla Jones (WSBA Paralegal).

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

The June 17, 2019, minutes were approved by consensus.

Infraction Rules for Court of Limited Jurisdiction (IRLJ) Subcommittee

1. IRLJ 2.1

Subcommittee Chair Jon Zimmerman reported on the status of IRLJ 2.1. The proposal was sent to stakeholders and one comment was received, which read “no comments.” The Committee discussed the impact of this rule on the current forms and if they would need to be updated.

A motion was made and seconded for passage of IRLJ 2.1. The motion passed unanimously. This proposal will now go to the BOG for consideration at the upcoming November meeting.

2. IRLJ 1.2

Subcommittee Chair Jon Zimmerman reported on the subcommittee’s work and proposed amendments to IRLJ 1.2. The committee suggested moving the proposed amendment to subsection (n) to keep uniformity within the rule. The Committee discussed the proposal and suggested a few edits, which Subcommittee Chair Zimmerman accepted as friendly amendments.

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A motion was made and seconded to move the rule for stakeholder feedback with the Committee's friendly amendments. Those opposed were: Dikeakos, Greene, and Lee. The motion passed, and the proposed rule with friendly amendments will be distributed for stakeholder feedback. Thus, proposed IRLJ 1.2 now reads:

For the purposes of these rules:

(a) [Unchanged.]

(b) Notice of Infraction. "Notice of infraction" means a document initiating an infraction case when issued pursuant to statute and these rules.

(c) - (j) [Unchanged.]

(k) Prosecuting Authority. "Prosecuting authority" includes prosecuting and deputy prosecuting attorneys, city and assistant city attorneys, corporation and assistant corporation counsel, or such other persons as may be designated by statute.

(l) - (m) [Unchanged.]

(n) Date of the Notice of Infraction. "Date of the Notice of Infraction" means the date a Notice of Infraction is handed to a defendant, or the date a Notice of Infraction is signed and dated by a citing officer or prosecuting authority, whichever date occurs first.

3. IRLJ 2.2

Subcommittee Chair Jon Zimmerman reported on the subcommittees work and proposed amendments to IRLJ 2.2. The Committee suggested removing the (1) and (2) from the rule and instead separating the two with a comma. Subcommittee Chair Zimmerman accepted these suggestions as friendly amendments. The Committee also suggested to leave "service, and filing" in subsection (A) of the rule. A motion was made and seconded to move the proposed rule for stakeholder feedback as amended, leaving "service, and filing" stricken. The motion passed 10-5-1. Dikeakos, Greene, Lee, Ledford, and Smith opposed while Chair Coulter abstained. Thus, proposed IRLJ 2.2 now reads:

(a) Generally. An infraction case is initiated by the issuance of a Notice of Infraction in accordance with this rule. A Notice of Infraction is issued on the date the Notice of Infraction is handed to the defendant, or the date on which the Notice of Infraction is signed and dated by a citing officer or prosecuting authority, whichever date occurs first.

(b) Who May Issue. A Notice of Infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to law:

(1) – (2) [Unchanged.]

(c) Service of Notice. A Notice of Infraction may be served either by:

(1) The citing officer serving the Notice of Infraction on the person named in the Notice of Infraction at the time of issuance;

(2) The citing officer affixing to a vehicle in a conspicuous place the Notice of a traffic infraction if it alleges the violation of a parking, standing, or stopping statute; or

(3) The citing officer or the prosecuting authority filing the Notice of Infraction with the court, in which case the court shall have the Notice served either personally or by mail, postage

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prepaid, on the person named in the Notice of Infraction at his or her address. If a Notice of Infraction served by mail is returned to the court as undeliverable, the court shall issue a summons.

(d) Filing of Notice. When a Notice of Infraction has been issued, the Notice shall be filed with a court having jurisdiction over the infraction or with a violations bureau subject to such courts supervision. The Notice must be filed within five days of issuance of the Notice, excluding Saturdays, Sundays, and holidays. In the absence of good cause shown, a Notice of Infraction not filed within the time limits of this section shall, upon motion, be dismissed with prejudice.

Chair Coulter thanked the departing members for their time and work on the Committee.

There being no further business, the meeting was adjourned.