

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes

April 12, 2021

Members Present: Chair Isham Reavis, Magda baker, Kristin Ballinger, Claire Carden, Paul Crisalli, Stephanie Dikeakos, Tony DiTommaso, Duffy Graham, Ofelia Granados, Richard Greene, John Ledford, Eric Lindberg, Tim Moran, Sarah Nagy, Ashton Rezayat, James Smith, Ann Summers, Emory Wogenstahl, and Jon Zimmerman.

Members Excused: Jody Cloutier, Brian Esler, Karen Knutsen, Margaret Macrae, Sara Mooney, Rachel Reynolds, Jeff Sbah, Kathleen Shircliff, Mara Snyder, and Gov. Lauren Boyd (BOG Liaison).

Also Attending: Judge Blaine Gibson, J Benway (AOC Liaison), Kyla Jones (WSBA Paralegal), and Nicole Gustine (WSBA Assistant General Counsel).

Chair Isham Reavis called the meeting to order at 9:34 a.m.

1. Approval of Minutes

A motion was made and seconded to approve the March 8, 2021 meeting minutes. The motion passed unanimously.

2. Subcommittee Reports

a. RAP Subcommittee

Subcommittee Member Paul Crisalli reported on the RAP Subcommittee. The group is working through a proposal for comment to RAP 2.2. This will highlight a Supreme Court case that came out in 2020 regarding the deadline to file a notice of appeal. RAP Subcommittee plans to present this proposal at the May meeting. Kyla Jones will send a GR 9 template.

b. Subcommittee X

Subcommittee X has been working on updating the District Court Civil Rules' language to be gender neutral. The Subcommittee began to present their changes. The Subcommittee will continue to work on some of the rules, distribute further edits, and fix formatting issues. The Committee will review the proposed changes at the May meeting.

Subcommittee X has received a request to look at Civil Rules 26(b)(4). The Subcommittee will make it more like the Federal Civil Rule and make clear what is protected regarding work product.

c. RALJ Subcommittee

Subcommittee Chair Claire Carden presented nine rule proposals to the Committee. All rule proposals were drafted using the online version of the Court

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Rules. All changes are contingent on the published version's consistency with the online version.

- i. RALJ 6.2. This change would require the trial court clerk to number the record. The Committee discussed concerns regarding the burden to the clerks. J Benway (AOC Liaison) will help elicit feedback from the Clerk's Association when the Committee solicits feedback from stakeholders. A motion was made and seconded to adopt the proposal. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- ii. RALJ 6.3.1. This change clarifies and modernizes language to make the intent of the rule more clear. A motion was made and seconded to adopt the proposal. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- iii. RALJ 8.1. This change makes the rule consistent with RAP 11.2 and requires parties to file a brief for oral argument. The Committee discussed concerns with pro se litigants. Committee member Jon Zimmerman made a friendly amendment to change "party" to "represented party." The friendly amendment was seconded and adopted. A motion was made and seconded to adopt the proposal with the friendly amendment. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- iv. RALJ 9.2. This change makes the capitalization of superior court consistent throughout the rule. Committee Member Jon Zimmerman made a friendly amendment to lowercase the "i" in the word "in" in the title for Subsection (a). The friendly amendment was seconded and adopted. A motion was made and seconded to adopt the proposal with the friendly amendment. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- v. RALJ 10.2. This change would enhance the readability of the rule. A motion was made and seconded to adopt the proposal to Subsection (a). The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration. The changes to Subsection (c) will go back to the Subcommittee to review for clarity.
- vi. RALJ 10.3. The change would make capitalization consistent and enhance readability and clarity. A motion was made and seconded to adopt the proposal. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- vii. RALJ 11.1. This change would enhance readability of the rule. A motion was made and seconded to adopt the proposal. The motion passed

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- unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
- viii. RAJ 11.2. This change updates language and makes the rule consistent with other statutes and rules. A motion was made and seconded to adopt the proposal. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.
 - ix. RAJ 11.7. This change updates rule references to be consistent with rule names and other various grammatical edits. Committee member Emory Wogenstahl made a friendly amendment to re-organize the list of rules into chronological order in Subsection (d). The friendly amendment was seconded and adopted by consensus. A motion was made and seconded to adopt the proposal with the friendly amendment. The motion passed unanimously and the proposed language will now move forward to the Board of Governor's for consideration.

3. Equity and Disparity Workgroup Update

There was no update on the Equity and Disparity Workgroup.

4. Other Business

Chair Reavis briefly presented a request from the Court for feedback on the emergency COVID-19 Court Orders.

There being no further business, the meeting adjourned at 10:55 a.m.