

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes September 13, 2021

Members Present: Chair Isham Reavis, Kristin Ballinger, Claire Carden, Paul Crisalli, Stephanie Dikeakos, Brian Esler, Duffy Graham, Ofelia Granados, John Ledford, Margaret Macrae, Sarah Nagy, Ashton Rezayat, Ann Summers, and Emory Wogenstahl.

Members Excused: Magda Baker, Jody Cloutier, Tony DiTommaso, Richard Greene, Karen Knutsen, Eric Lindberg, Sara Mooney, Tim Moran, Rachel Reynolds, Jeff Sbaih, Kathleen Shircliff, and Jon Zimmerman.

Also Attending: Judge Blaine Gibson, Judge Bradley Maxa, Nicole Gustine (WSBA Assistant General Counsel) and Kyla Jones (WSBA Paralegal).

The meeting was called to order at 9:35 a.m. once a quorum was established.

1. Approval of Minutes

A motion was made and seconded to approve the August 23, 2021 meeting minutes. The motion passed unanimously.

2. Subcommittee Reports

a. RALJ Subcommittee

RALJ Subcommittee Chair Claire Carden presented new proposed language to RALJ 8.1. The added language provides discretion to the Court to grant a continuance for briefing. The new sentence states: "The Court may, in its discretion, grant a continuance to allow for briefing." The Committee gave positive feedback on this addition. A motion was made and seconded to forward this proposal to the Board of Governors. The motion was seconded and passed unanimously.

3. Equity and Disparity Workgroup Update

No update.

4. Request from the Civil Litigation Committee of the Court Recovery Task Force re GR 40 and CR 39

The Committee received a request from WSBA President Kyle Sciuchetti and WSBA Executive Director Terra Nevitt to consider forwarding comments regarding [CR 39](#) and [GR 41 \(formerly known as GR 40\)](#) revisions to the Civil Litigation Committee of the Court Recovery Task Force.

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The Committee discussed the proposed changes to GR 39 and 41 and the comments received to date. Judge Gibson will collect concerns and points of clarity needed from the Committee, and discuss further with Judge O'Donnell, one of the proponents for the changes. Paul Crisalli volunteered to help with this. Once more clarity of the proponent's intent is achieved, Subcommittee X may look further into these rules and prepare a comment for the Board of Governors in advance of the December 29th deadline.

5. Other Business for the Good of the Order

There being no further business, the meeting adjourned at 9:54 a.m.

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Board of Governors

Kyle D. Sciuchetti, President

August 9, 2021

Chair Isham Reavis
Court Rules and Procedures Committee
Via Email: isham@aokilaw.com

Dear Isham:

The Civil Litigation Committee of the Court Recovery Task Force formed by the Washington Supreme Court is working on revisions to GR40 and CR39, with an eye on remote trials, remote testimony, and remote jurors by Zoom or similar technology. Justice Stephens asked that relevant WSBA entities interested in these topics consider forwarding comments to the committee. We are reaching out to invite you to provide comment on these topics. To learn more about the Court Recovery Task Force please follow this [link](#).

Any comments may be emailed to Luke Phifer at lphifer@lawschool.gonzaga.edu, who is assisting Justice Stephens with the Committee. He will in turn distribute comments to the committee members. It would be helpful if comments were available by Sept. 15 or earlier.

Note that we have also forwarded this letter to the Access to Justice Board, the WSBA Criminal Law, Family Law, Real Property Probate and Trust, Litigation, Creditor/Debtor Rights, and Solo Small Practice Sections. If the Court Rules and Procedures Committee does decide to comment, you may wish to coordinate with those entities. Thank you for your consideration.

Sincerely,



Kyle D. Sciuchetti
WSBA President



Terra Nevitt
WSBA Executive Director

Cc: Gov. Lauren Boyd, BOG Liaison
Nicole Gustine, Staff Liaison