

WASHINGTON STATE BAR ASSOCIATION

Court Rules and Procedures Committee

Meeting Minutes

August 23, 2021

Members Present: Chair Isham Reavis, Magda Baker, Claire Carden, Paul Crisalli, Stephanie Dikeakos, Tony DiTommaso, Brian Esler, Duffy Graham, Richard Greene, John Ledford, Eric Lindberg, Margaret Macrae, Sarah Mooney, Tim Moran, Ann Summers, and Emory Wogenstahl.

Members Excused: Kristin Ballinger, Jody Cloutier, Ofelia Granados, Karen Knutsen, Sarah Nagy, Rachel Reynolds, Ashton Rezayat, Jeff Sbaih, Kathleen Shircliff, and Jon Zimmerman.

Also Attending: Judge Blaine Gibson, J Benway (AOC Liaison) and Kyla Jones (WSBA Paralegal).

The meeting was called to order at 11:47 a.m. once a quorum was established.

1. Approval of Minutes

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

2. Subcommittee Reports

a. Subcommittee X

A motion was made to forward the proposed CRLJ's to the Board of Governors, accepting the friendly amendments made by stakeholders. One suggested change was considered to be substantive, which was out of the scope of the Subcommittee's review. The motion was seconded and passed unanimously.

b. RAP Subcommittee

RAP 2.2 received no feedback from stakeholders. A motion was made to forward the proposed amendment to RAP 2.2 to the Board of Governors. The motion was seconded and passed unanimously.

c. RALJ Subcommittee

The RALJ Subcommittee is still working on reviewing stakeholder feedback to RALJ 8.1. The RALJ Subcommittee proposed to move forward with the remaining proposed RALJ's: 6.2, 6.3.1, 9.2, 10.2, 10.3, 11.1, 11.2, and 11.7. A motion was made to forward the proposals to the Board of Governors. The motion was seconded and passed unanimously.

3. Equity and Disparity Workgroup Update

Chair Isham Reavis received an update and notes from Executive Director Terra Nevitt. Chair Reavis will circulate this to the Committee.

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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 40](#) revisions to the Civil Litigation Committee of the Court Recovery Task Force. The Task Force has requested feedback by September 15th. The next Court Rules and Procedures Committee meeting is scheduled for September 13th. Chair Reavis requested that Committee members review the proposed changes to the two rules prior to the next Committee meeting. It was noted that the deadline for public comment to the Court on these rules has been extended to December 29, 2021.

5. Other Business for the Good of the Order

There being no further business, the meeting adjourned at 12:10 p.m.

DRAFT

GR 9 COVER SHEET

Suggested Amendment

RALJ 8.1 – WHO MAY PRESENT ARGUMENT

- A. Proponent: WSBA Court Rules and Procedures Committee
- B. Spokesperson: Isham Reavis, Chair - WSBA Court Rules and Procedures Committee
- C. Purpose: Preclude a party who has not filed a brief from arguing. This change brings that language and requirements in line with RAP 11.2.
- D. Hearing: The proponent does not believe that a public hearing is necessary.
- E. Expedited Consideration: Not requested.

SUGGESTED AMENDMENT

RULE 8.1 – Who May Present Argument

A **represented** party of record ~~who has failed to file a brief may present oral argument only with leave of court.~~ may present oral argument only if the party has filed a brief. The Court may, in its discretion, grant a continuance to allow for briefing.

WASHINGTON STATE BAR ASSOCIATION

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