

CIVIL LITIGATION RULES REVISION WORK GROUP

In October 2019 the Board of Governors created this civil litigation rules revision workgroup in response to a large number of stakeholder objections to draft Civil Rule amendments submitted to the Board. Those suggested amendments were prepared by an earlier Civil Rules task force created by the Board. Key litigation stakeholders complained that task force did not account for their input regarding the long term impact of the proposed amendments.

In light of past challenges faced by the WSBA arising out of stakeholders asserting their concerns were not being given due weight, most notably sweeping changes made to the organizational status of WSBA sections that were implemented in 2015 and 2016, the 2019 Board of Governors was determined to ensure those past mistakes were not repeated. The Board voted to put its transmission to the Supreme Court of the proposed amendments on pause to give litigation stakeholders an opportunity for direct input. To that end, this task force was created to meet on behalf of the Board with direct stakeholders, elicit other member input, and to report back to the Board with recommendations.

Our work group has met twice. We had a scheduling pause over the holidays caused by the challenge of coordinating attendance for all involved. But, at our most recent meeting approximately two weeks ago we had an excellent meeting *with every single stakeholder group in attendance* who had petitioned the Board with concerns. Our work group met with representatives of the Washington Defense Trial Lawyers Association, the WSBA litigation section, the Washington State Association for Justice, the King County judiciary and litigation committee, the Domestic Relations Attorneys of Washington, and a number of other individual WSBA members. We took their direct input on every single aspect of the proposed rule changes with particular emphasis on their areas of concern.

We have another meeting scheduled for this month. At that meeting we intend on discussing in greater detail the stakeholder input and drafting proposed language to reflect their concerns. Following that, we will present those proposed changes back to the stakeholders to ensure we have taken their input into consideration and we will communicate those changes to the entire WSBA membership for their additional consideration. If input is provided that suggests further changes need be made we will repeat that process until we reach a reasonable consensus to the extent one is possible.

Once that is complete, we will present the Board with a side-by-side comparison of (1) the original rules, (2) the first set of draft amendments, and (3) this committee's recommendations based on stakeholder input. Despite how large a task all of that may seem, we are moving quickly. My current intention is to have a final report back to the Board in the next 120 to 150 days for a final decision and transmission to the Supreme Court to the extent proposed amendments are endorsed by the Board.

This process is going smoothly. And more importantly, we have had an extremely collaborative and positive relationship with all stakeholders who have expressed their gratitude for the Board and WSBA considering closely their input. The 2019 Board's decision to pause this process has done much to build WSBA's credibility with some of our most vocal and active stakeholders. And as importantly, I look forward to our presenting the Board a proposed set of rule changes that will decrease the cost of litigation and increase access to justice for the citizens of Washington for many years to come.

Dan Bridges
Workgroup Chairperson

