

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 29, 2015 9:58 AM
To: Tracy, Mary
Subject: FW: Comment on CMC Rule Amendment Proposals
Attachments: Comment to SC re CMC amendments.pdf

For you.

From: Benway, Jennifer
Sent: Wednesday, April 29, 2015 9:56 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: Harvey, Sharon; Hinchcliffe, Shannon
Subject: Comment on CMC Rule Amendment Proposals

Hello,

I have attached a letter from the DMCJA Rules Committee, commenting on the Court Management Council's proposed changes to ARLJ 13 and RALJ 5.3.

Please let me know if you have any comments or questions.

Thank you!

Jennifer (J) Amanda Benway
Legal Services Senior Analyst
Administrative Office of the Courts
360-357-2126

KING COUNTY DISTRICT COURT
East Division – Redmond Courthouse

Judge Janet E. Garrow
206-477-2103

8601 160th Ave NE
Redmond, WA 98052-3548

Kathy Orozco
Court Manager

TO: Ron Carpenter, Clerk of the Washington State Supreme Court
FROM: Judge Janet Garrow, Chair, DMCJA Rules Committee
SUBJECT: Court Management Council Proposed Rule Amendments
DATE: April 27, 2015

The Court Management Council has proposed several amendments to the statewide court rules that pertain to electronic recording of court proceedings. In 2013, the DMCJA Board commented on a similar CMC proposal. That letter is attached. In the intervening time, modifications were made to the original proposal that address many of the concerns raised by the DMCJA.

Nevertheless, concerns remain regarding the proposed amendments to ARLJ 13 and RALJ 5.3, which provide that the “judicial officer shall assure that all case participants identify themselves for the record.” The DMCJA Board previously expressed concern over the mandatory nature of this phrase. We suggest the rule read that the “judicial officer should ensure that all case participants identify themselves for the record,” to address this issue and the usage of “assure.”

Thank you for consideration of these comments. If you have any questions, please contact me.

Attachments: Letter from DMCJA Board President Judge Sara Derr to Ms. Renee Townsley dated March 13, 2013

CC: DMCJA Rules Committee
DMCJA Board of Governors
Shannon Hinchcliffe, Manager, AOC Legal Services & Appellate Court Support



WASHINGTON
COURTS

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March 14, 2013

Ms. Renee Townsley
Court Management Council
Court of Appeals, Division III
500 N Cedar St
Spokane, WA 99201-1905

Dear Ms. Townsley,

RE: Recommendations Regarding Court Management Council's
Proposed Rules

It has come to my attention that although the District and Municipal Court Judges' Association (DMCJA) Board of Governors adopted recommendations regarding the Court Management Council's (CMC) proposed rules, we did not formally convey them to you. My apologies for the delay. In January 2013, the Board adopted the following recommendations:

RCW 3.02.040 – Electronic Recording Equipment

The CMC proposes changes to this statute to increase flexibility for courts of limited jurisdiction in selecting and utilizing electronic recording equipment. The current statute requires the Administrative Office of the Courts (AOC) to supervise this process. Under the proposed change, the AOC is required merely to consult with courts. We support this amendment.

RAP 9.10 – Court Imposed Sanctions

The current rule allows the Court of Appeals to impose sanctions where there are flaws in providing a complete record. Under the proposed amendment, the trial court would be permitted to impose sanctions as well. We support this amendment.

ARLJ 13 and RALJ 5.3 – Identity on the Record

The CMC proposes changes in these rules to require judges to ensure that all parties identify themselves for the record during court proceedings. While we agree that the judge's oversight of the record is

Ms. Renee Townsley
March 14, 2013
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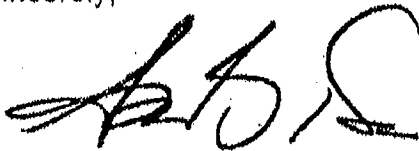
a best practice, we recommend that the rule read that judges "should" ensure identification of the parties, not that judges "shall" ensure that practice.

Proposed New General Rule – Creation of Authorized Transcriptionists

The CMC has proposed a new general rule that would require only the use of authorized transcriptionists or court reporters when preparing a written record on appeal. Because of the access to justice issues implicated for courts of limited jurisdiction, we oppose this rule to the extent it would apply to courts of limited jurisdiction. We do not oppose the implementation of a RAP that would contain this provision.

I have enclosed a memorandum which details the analysis supporting these recommendations. Thank you for requesting our input.

Sincerely,

A handwritten signature in black ink, appearing to be "Sara B. Derr", written in a cursive style.

Judge Sara B. Derr
DMCJA President

Enclosure
cc: Mr. Dirk Marler, AOC