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**From:** Mark A. Wilner [mailto:mwilner@gordontilden.com]  
**Sent:** Thursday, October 28, 2021 2:45 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Jeffrey M. Thomas <jthomas@gordontilden.com>; John D. Cadagan <jcadagan@gordontilden.com>  
**Subject:** Comment on Proposed New GR 41

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I am civil trial attorney who, over the last 20 years, has appeared before superior courts across the state, the appellate courts, and this Court. I represent plaintiffs and defendants, and handle a wide variety of civil litigation -- from insurance coverage/bad faith, to commercial disputes, to personal injury.

I, together with my partner Jeff Thomas and associate John Cadagan, write in favor of proposed GR 41. The three of us recently completed a three-and-a-half week civil jury trial. It was conducted entirely via Zoom – from jury selection to verdict. Although we have mixed feelings about the benefits of Zoom for some aspects of trial, it is hard to argue against the benefits of Zoom for the jury selection process itself. The two most obvious benefits that we observed are as follows:

First, turnout. We had 120 potential jurors in our case – 40 more than we needed. They responded to the jury summons likely because it was easy for them to. All walks of life were present. The technology aided access and participation.

Second, better information for the lawyers. One of the most important aspects of jury selection is having potential jurors speak openly and honestly about topics, sometimes difficult topics. While our sample size was only four panels of 20 potential jurors in one case, we were left with the clear impression that potential jurors were more comfortable opening up and discussing bias or other topics via Zoom than they would be in person at the courtroom. That could be due to the potential jurors being in an environment they know like their home, or they felt less intimidated speaking from behind a camera than in person, face-to-face. Whatever the reason, it worked.

In sum, we request that the Court adopt proposed GR 41. It would be a step in the right direction.

Best regards,

**Mark Wilner**

Gordon Tilden Thomas & Cordell LLP  
One Union Square  
600 University Street, Suite 2915  
Seattle, Washington 98101  
**t:** 206.467.6477 **f:** 206.467.6292  
**c:** 206.280.7670  
**w:** [gordontilden.com](http://gordontilden.com)

