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June 27, 2022

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Supreme Court Rules Committee
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed New GR 40 - Informal Family Law Trial.

Dear Justices Johnson and Yu:

The Administrative Office of The Courts (AOC) takes no position on the merits of Proposed GR 40 (Informal Family Law Trial) but wishes to bring a few implementation issues to the Court's attention.

1. The proposed GR 40(2) requires AOC to create a pattern form. The form "may be modified to conform to local rule practices" that are not inconsistent with the rule. It is likely that individual courts will create their own forms based on the criteria set forth in the proposed rule and their local practices rather than using the state form. Creating and maintaining a statewide pattern form may not be an efficient use of limited stakeholder volunteers and staff resources.

Also, implementation of ESSHB 1320/HB 1901 has pushed our pattern forms infrastructure to its limits. This includes the AOC staff as well as the numerous stakeholders on the Washington Pattern Forms Committee (PFC) whose input is essential. It is unlikely the PFC will have the capacity to create a new (non ESSHB 1320/HB 1901) form until January 2023.

2. The proposed new GR 40(2) refers to an attached form that does not appear to be included with the rule. It appears that the proponents intend the form to be part of the court rule once it has been drafted.

Forms contained in court rules reduce agility needed by the PFC to make emergency changes, as approval from the Supreme Court is needed before the

changes are effective. Additional time is required to usher the form through the PFC and then again through the Supreme Court. This complicates and delays implementation. For those reasons, we respectfully request that the Court avoid including forms within the court rules whenever possible.

3. The new proposed GR 40 also requires a new proceeding code and docket codes. Implementation of ESSHB 1320/HB 1901 is taking up a significant amount of resources. As a result, resources are not available to implement the new proceeding and docket codes for the Judicial Information System before January 2023.

We respectfully request the following:

1. The Court remove the requirement for AOC to create a pattern form
2. If the requirement to create a pattern form remains, the form should not be imbedded in the court rules
3. If the Court elects to require a pattern form that is included in the rule, implementation should be delayed until at least September 2023 so the form can be completed and published for comment
4. The implementation date should be no sooner than January 2023.

Thank you for your consideration. Please contact me if you have questions or concerns.

Sincerely,



Dawn Marie Rubio, JD
State Court Administrator

cc: Ms. Vonnie Diseth, Director/CIO, AOC Information Services Division
Mr. Dirk Marler, Director, AOC Court Services Division
Mr. Chris Stanley, Director, AOC Management Services Division

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: GR 40 Comments
Date: Wednesday, June 29, 2022 4:15:52 PM
Attachments: [AOC Comment Re New GR 40 2022 06 27.pdf](#)
[image002.png](#)

From: Rubio, Dawn Marie
Sent: Wednesday, June 29, 2022 3:31 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: GR 40 Comments

Good afternoon.

Please see attached.

Thanks. DMR

Dawn Marie Rubio, J.D.

State Court Administrator

Administrative Office of the Courts

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