



PRESIDENT

Michael K. Rhodes
Mix Sanders Thompson, PLLC
206.307.1965
mrhodes@mixsanders.com

PRESIDENT-ELECT

Erin C. Seeberger
Johnson, Graffe, Keay, Moniz & Wick
206.223.4770
seebergere@jgkmw.com

TREASURER

Rory D. Cosgrove
Carney Badley Spellman
206.556-8156
cosgrove@carneylaw.com

SECRETARY

Ashley A. Nagrodski
Smith Freed Eberhard
206.576.4208
anagrodski@smithfreed.com

TRUSTEES

Tom Ahearn, Seattle
Derek Bishop, Seattle
Alice Brown, Seattle
Michael Chait, Seattle
Erin Fraser, Seattle
Natalie Heineman, Seattle
Pierce Jordan, Spokane
Jon R. Morrone, Seattle
Jade E. Park, Seattle
Kimberly Reppart, Seattle
Allison K. Krashan, Seattle
Natasha Khachatourians, Seattle
Rachel Reynolds, Seattle
Kelsey Shewbert, Seattle
William Symmes, Spokane
Alison Turnbull, Spokane

DRI STATE REPRESENTATIVE

Rachel T. Reynolds, Seattle

BOARD ADVISOR

Rachel T. Reynolds, Seattle

EXECUTIVE DIRECTOR

Maggie S. Sweeney

Past Presidents

Jon R. Morrone, Allison K. Krashan, Jillian Henderson,
Rachel T. Reynolds, Peter M. Ritchie, Lori K. O'Tool
Jennifer Campbell, Erin Hammond
Melissa Roeder • Michael A. Niccero, Jr.
Ryan Beaudoin • Matthew Wojcik • Emilia Sweeney
Jillian Barron • Ted Buck • Richard Roberts
Steven R. Stocker • Jill Haavig Stone • Jeffrey G. Frank
Joanne T. Blackburn • James S. Berg • Bradley A. Maxa
Roy A. Umlauf • Andrew G. Cooley •
James E. Macpherson • Laurie D. Kohli
Peter J. Johnson • William R. Phillips
Mary H. Spillane • Jeffery I. Tilden • Michael H. Runyan
Palmer Robinson • J. Richard Crockett
Ronald B. Leighton • William J. Leedom
Robert L. Israel • John J. Soltys • F. Ross Burgess
Robert C. Keating • H. Graham Gaiser
William H. Mays • Daniel E. Tolfree
Richard B. Johnson • Charles A. Kimbrough
Frederick V. Betts • R. Jack Stephenson
John G. Bergmann • Harold C. Fosso
Martin T. Crowder • Gene H. Knapp, Jr.
William L. Parker • Michael Mines • Fred R. Butterworth
Frank H. Roberts • Charles E. Percy
Arthur R. Hart • Robert P. Piper • Roy J. Mocer
F. Lee Campbell • Hoyt Wilbanks • Jack P. Scholfield

VIA EMAIL

April 30, 2024

Erin L. Lennon
Clerk of the Supreme Court
P.O. Box 40929
Olympia, Washington 98504
supreme@courts.wa.gov

Re: WDTL Comments on Proposed GR 41

Dear Clerk of the Supreme Court:

The Washington Defense Trial Lawyers has served as a voice for the civil defense bar since 1962. WDTL members defend small and large businesses, individuals, and other entities to support balance and fairness for all in civil trials. Our members practice in all areas of civil litigation including insurance defense/coverage, commercial litigation, products liability, premises liability, and employment. Our organization has more than 650 attorneys practicing across the Pacific Northwest and beyond. Our members have tried cases in every county in Washington. And many of our members have extensive experience with remote jury selection.

But our organization is not a monolith. Far from it. Although many of our members generally support remote jury selection, others strongly oppose it. For King County, most of our members support remote jury selection, even though in-person jury selection may be better for other counties.

The WDTL appreciates the opportunity to provide input on proposed GR 41. But it has four concerns about this proposed rule:

First, the rule seemingly gives the trial court absolute discretion to order remote jury selection—without input from the parties or their attorneys.

Second, the WDTL questions the lack of options for conducting in-person jury selection in appropriate cases, such as where an attorney's physical capabilities warrant it. For instance, for some attorneys, remote jury selection can be distracting or outright prejudicial based on disability.

Third, the WDTL questions the rule's prohibition of filters or virtual backgrounds because the commonly used blurred background in virtual conferences helps protect a participant's privacy.

Fourth, remote jury selection may not be preferable in all cases because, as just one example, some remote jurors are prone to distraction with easier access to cellphones and other devices.



PRESIDENT

Michael K. Rhodes
Mix Sanders Thompson, PLLC
206.307.1965
mrhodes@mixsanders.com

PRESIDENT-ELECT

Erin C. Seeberger
Johnson, Graffe, Keay, Moniz & Wick
206.223.4770
seebergere@jgkmw.com

TREASURER

Rory D. Cosgrove
Carney Badley Spellman
206.556-8156
cosgrove@carneylaw.com

SECRETARY

Ashley A. Nagrodski
Smith Freed Eberhard
206.576.4208
anagrodski@smithfreed.com

TRUSTEES

Tom Ahearn, Seattle
Derek Bishop, Seattle
Alice Brown, Seattle
Michael Chait, Seattle
Erin Fraser, Seattle
Natalie Heineman, Seattle
Pierce Jordan, Spokane
Jon R. Morrone, Seattle
Jade E. Park, Seattle
Kimberly Reppart, Seattle
Allison K. Krashan, Seattle
Natasha Khachatourians, Seattle
Rachel Reynolds, Seattle
Kelsey Shewbert, Seattle
William Symmes, Spokane
Alison Turnbull, Spokane

DRI STATE REPRESENTATIVE

Rachel T. Reynolds, Seattle

BOARD ADVISOR

Rachel T. Reynolds, Seattle

EXECUTIVE DIRECTOR

Maggie S. Sweeney

Past Presidents

Jon R. Morrone, Allison K. Krashan, Jillian Henderson,
Rachel T. Reynolds, Peter M. Ritchie, Lori K. O'Tool
Jennifer Campbell, Erin Hammond
Melissa Roeder • Michael A. Niccifero, Jr.
Ryan Beaudoin • Matthew Wojcik • Emilia Sweeney
Jillian Barron • Ted Buck • Richard Roberts
Steven R. Stocker • Jill Haavig Stone • Jeffrey G. Frank
Joanne T. Blackburn • James S. Berg • Bradley A. Maxa
Roy A. Umlauf • Andrew G. Cooley •
James E. Macpherson • Laurie D. Kohl
Peter J. Johnson • William R. Phillips
Mary H. Spillane • Jeffery I. Tilden • Michael H. Runyan
Palmer Robinson • J. Richard Crockett
Ronald B. Leighton • William J. Leedom
Robert L. Israel • John J. Soltys • F. Ross Burgess
Robert C. Keating • H. Graham Gaiser
William H. Mays • Daniel E. Tolfree
Richard B. Johnson • Charles A. Kimbrough
Frederick V. Betts • R. Jack Stephenson
John G. Bergmann • Harold C. Fosso
Martin T. Crowder • Gene H. Knapp, Jr.
William L. Parker • Michael Mines • Fred R. Butterworth
Frank H. Roberts • Charles E. Peery
Arthur R. Hart • Robert P. Piper • Roy J. Moceri
F. Lee Campbell • Hoyt Wilbanks • Jack P. Scholfield

The rule appears to give discretion to each county's superior court to determine if they will use remote jury selection; the WDTL supports that. The WDTL also supports a rule for jury selection under which the parties and their attorneys may offer input on the procedure the court decides to use based on the facts of each case.

We appreciate the thoughtful discourse and the opportunity to advance our civil justice system on this important issue.

Sincerely,

Michael K. Rhodes
WDTL President