



Superior Court Judges' Association

Samuel S. Chung

President

King County Superior Court
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
206-477-1417

Kristin Ferrera

President Elect

Chelan County Superior Court
401 Washington St, Fl 5
Wenatchee, WA 98807-0880
509-667-2610

Jennifer A. Forbes

Immediate Past President

Kitsap County Superior Court
614 Division St, MS 24
Port Orchard, WA 98366-4683
360-337-7140

Shelley D. Szambelan

Secretary

Spokane County Superior Court
1116 W Broadway Ave
Spokane, WA 99260-0350
509-477-5792

Ken Schubert

Treasurer

King County Superior Court
401 4th Ave N, Rm 2D
Kent, WA 98032-4429
206-477-1567

Board of Trustees

Raymond F. Clary

Spokane County Superior Court
1116 W Broadway Ave
Spokane, WA 99260-0350
509-477-4704

Chris Lanese

Thurston County Superior Court
2000 Lakeridge Dr, SW, Bldg 2
Olympia, WA 98502-1045
360-786-5560

Adrienne Thomas McCoy

King County Superior Court
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
206-477-1933

Susan Adams

Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
253-798-7571

Laura M. Riquelme

Skagit County Superior Court
205 W Kincaid St, Rm 202
Mount Vernon, WA 98273-4225
360-416-1200

Norma Rodriguez

Benton/Franklin Co Superior Courts
7122 W Okanogan Pl, Bldg A
Kennewick, WA 99336-2359
509-736-3071

Josephine Wiggs

King County Superior Court
516 3rd Ave, Rm C-203
Seattle, WA 98104-2361
206-477-4933

April 25, 2024

Honorable Charles W. Johnson, Chair

Honorable Mary I. Yu, Chair

Washington State Supreme Court Rules Committee

Temple of Justice

P.O. Box 40929

Olympia, WA 98504-0929

Dear Justice Johnson and Justice Yu:

Re: Proposed Changes to CR 59 / GR 3.2

The Superior Court Judges' Association (SCJA) Civil Law and Rules Committee, Criminal Law and Rules Committee, Equality and Fairness Committee, and Family and Juvenile Law Committee reviewed the proposed changes to Civil Rule (CR) 59 and General Rule (GR) 3.2. These two similar proposals would allow more time for incarcerated individuals to file motions for a new trial, reconsideration, or amendment of judgment. After significant discussion, the SCJA could not come to a consensus position on either rule's proposed changes. We provide a summary of the relevant factors in our position below.

Equity Considerations

The SCJA is committed to improving equity throughout the justice system. During our review, concern was expressed about the impact of the Department of Correction's internal mail service on the ability of incarcerated persons to file CR 59 motions in a timely manner. While the current court rules provide the same filing deadline for everyone, regardless of status, holding all individuals to the same motion filing deadlines can have disparate impact, especially for incarcerated individuals.

Equal Protection Concerns

The SCJA also identified the potential for these proposed rule changes to pose equal protection concerns, as the extension in time to file CR 59 motions would not apply to non-incarcerated litigants or non-civil litigants. We considered a number of possible revisions to the proposed rule changes to clarify this matter, such as clearly defining "incarcerated" individuals, or extending the CR 59 motion filing deadline for all parties. However, the SCJA has elected not to advance any alternative language, as substantive amendments and additional strategizing with stakeholders in civil law would be required.

April 25, 2024

Page 2

Potential Impacts to Civil Law

Finally, the civil system has a number of court rules, statutes, and case law that attempt to balance court process for plaintiffs and respondents. Any proposed changes to filing deadlines that impact select individuals must be weighed as to its impact on all case parties, consistent with other analogous areas of law, such as the existing requirements for hearing deadlines from the date of entry of the judgment, order, or other decision by the court.

This proposed rule change could have discordant impacts across civil law, potentially affecting such case types as housing, child custody, debt and employment case types. The SCJA anticipates that future civil court rule revisions, with the potential for secondary effects elsewhere, will require a measured approach to build consensus among all civil law stakeholders. Interim solutions, such as amending CR 59 to clarify that judges may consider incarceration as a factor when setting case timelines, could also be explored.

Thank you for consideration of our comments.

Sincerely,



Samuel Chung, President
Superior Court Judges' Association

cc: SCJA Board of Trustees
Ms. Allison Lee Muller

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Court Rule Public Comment Letters
Date: Thursday, April 25, 2024 2:45:39 PM
Attachments: [SCJA Public Comment CR 59 GR 3.2.pdf](#)
[SCJA Public Comment GR 41.pdf](#)
[SCJA Public Comment CrR 3.2.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Thursday, April 25, 2024 2:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: 'Chung, Samuel' <Samuel.Chung@kingcounty.gov>; Lee Muller, Allison <Allison.LeeMuller@courts.wa.gov>; Ireland, Shelley <Shelley.Ireland@courts.wa.gov>; Green, Heidi <Heidi.Green@courts.wa.gov>
Subject: Court Rule Public Comment Letters

Good afternoon.

Please see the attached comment letters on behalf of the Superior Court Judges' Association. The proposed rules we are commenting on at this time are:

- CR 59 / GR 3.2
- GR 41
- CrR 3.2

Thank you,
Andrea Valdez, MPA (she/her/hers)
Senior Policy Analyst
Superior Court Judges' Association
Administrative Office of the Courts
Andrea.valdez@courts.wa.gov