



Superior Court Judges' Association

Kristin Ferrera
President

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

Cindy Larsen
President Elect

Snohomish County Superior Court
3000 Rockefeller Ave, MS 502
Everett, WA 98201-4046
425-388-3418

Samuel S. Chung
Immediate Past President

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

Indu Thomas
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Thurston County Superior Court
2000 Lakeridge Drive SW
Olympia, WA 98502-6001
360-786-5560

Elisabeth Tutsch
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Yakima County Superior Court
128 N 2nd St, Rm 314
Yakima, WA 98901-2639
509-574-2710

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Tacoma, WA 98402-2108
253-798-7571

Kristin E. Ballinger

King County Superior Court
1211 E Alder St
Seattle, WA 98122-5553
206-477-1366

Raymond F. Clary

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

Jennifer R. Langbehn

Snohomish County Superior Court
3000 Rockefeller Ave, MS 502
Everett, WA 98201-4046
425-388-3075

Norma Rodriguez

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

Christine Schaller

Thurston County Superior Court
2000 Lakeridge Drive SW
Olympia, WA 98502-6001
360-786-5560

Josephine Wiggs

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

April 10, 2025

Honorable Mary I. Yu, Chair
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Revision to Civil Rule 68

Dear Justice Yu,

The Superior Court Judges' Association's (SCJA) Civil Law and Rules Committee reviewed the proposed changes to Civil Rule (CR) 68. The proposed rule change seeks to clarify that CR 68 does not apply to actions under the Public Records Act (PRA), RCW 42.56, and rejects the interpretation set forth in *Rufin v. Seattle*, 199 Wn. App. 348, 361-62 (2017).

The SCJA is concerned that the proposed revision may conflict with controlling authority since review was denied in *Rufin*¹ and the Supreme Court case it relied on in deeming the civil rules applicable to PRA cases remains good law. See, *Spokane Research & Def. Fund v. City of Spokane*, 155 Wn.2d 89, 105 (2005).²

The SCJA is also concerned that the proposed change will: (1) undermine a central purpose of CR 68 to promote judicial economy by encouraging settlements; (2) invite efforts to exempt other case types from the rule; and (3) eliminate an important tool for responding to litigious PRA petitioners.

Thank you for your consideration of our comments.

Sincerely,

Kristin Ferrera, President
Superior Court Judges' Association

cc: SCJA Board of Trustees
Allison Lee Muller, AOC

¹ See, 189 Wn.2d 1034 (2018)

² See also, *City of Lakewood v. Koenig*, 160 Wn. App. 833, 889 (2011); *Sakkarapope v. Ste Bd. Of Regents, WSU*, 129 Wn. App. 1017 (2005) [unpublished].

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Court Rule Public Comment Letters
Date: Thursday, April 10, 2025 2:08:55 PM
Attachments: [CR 12 SCJA Public Comment.pdf](#)
[CR 68 SCJA Public Comment.pdf](#)
[Family Law Defense Standards SCJA Public Comment.pdf](#)
[CrR 3.2 SCJA Public Comment.pdf](#)
[CrR 4.1 CrRLJ4.1 CrRLJ 3.2.1 SCJA Public Comment.pdf](#)
[CrR 8.3 SCJA Public Comment.pdf](#)
[GR 24 SCJA Public Comment.pdf](#)
[GR 27 SCJA Public Comment.pdf](#)
[RPC 6.1 SCJA Public Comment.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Thursday, April 10, 2025 11:48 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Kristin Ferrera <Kristin.Ferrera@CO.CHELAN.WA.US>; 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 morning,

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 12
- CR 68
- CrR 3.1/CrRLJ 3.1/JuCR 9.2 (family defense cases)
- CrR 3.2
- CrR 4.1/CrRLJ 4.1/CrRLJ 3.2
- CrR 8.3
- GR 24
- GR 27
- RPC 6.1

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