

American Board of Trial Advocates™



Washington Chapter Newsletter April 2022

PRESIDENT'S MESSAGE



ADD MESSAGE

Sincerely,
Ketia

FREE CLE

The ABOTA Foundation is holding a free virtual CLE on April 19, 2022 from 1:00 P.M. - 2:00 P.M. Central

Killer Cross Examination Techniques

ABOTA master trial lawyers will discuss and demonstrate tried and true cross examination techniques which are used against all adverse witnesses, whether

you represent plaintiffs or defendants in civil trials. This webinar will showcase the methods for getting concessions and making your point.

Presenters:

Doris Cheng, San Francisco Chapter

Don Jackson, Houston Chapter

P. Timothy Kelly, Northeastern PA Chapter

Gwen E. Richard, Houston Chapter

This CLE is free to everyone, including non-ABOTA members, so feel free to invite those from your firm who may benefit.

Register

at: [HTTPS://ZOOM.US/WEBINAR/REGISTER/WN_KZLPYEWVQBQAOSGAH57S](https://zoom.us/webinar/register/wn_kzlpYEWVQBQAOSGAH57S)
[TW](#)

CIVIL TRIAL TIP OF THE MONTH



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With the prevalence of virtual trials around our state, we are partnering with King County Superior Court to provide a “Civil Trial Tip of the Month” by a designated superior court judge. This will help us improve our practices and also get to know the judges a little better.

This month’s tip is from King County Judge Mary E. Roberts.

Judge Roberts was appointed to the King County Superior Court in 2003. She is currently the Assistant Presiding Judge, and also presides over the Drug Diversion Court in Seattle. Judge Roberts has served in the Civil and Criminal Departments, in Unified Family Court, as the Involuntary Treatment Court Judge, and as Chief of the Maleng Regional Justice Center. In her current role as APJ she co-chairs the Court’s Education/Training Committee, and serves on the Executive Committee. Prior to joining the bench, Judge Roberts practiced labor and employment law, first on behalf of King County, and then in private practice representing individuals and unions. She worked as a law clerk/bailiff, and public defender early in her legal career. Judge Roberts earned a BS in mathematics from the University of Puget Sound, and her JD from the University of Washington. Judge Roberts would like to thank her intrepid bailiff, Lisa Tran, who provided input on this topic that arises so frequently.

April Tip: Motions to Seal

Motions to seal, while frequently straight forward, often miss key components. [GR 15](#), and in King County, [LCR 7](#) and [LGR 15](#), govern the process. In order to prevent confusion and save time, here are a few things to be mindful of when submitting a motion to seal:

- A motion and hearing (with or without oral argument) are indeed required, even if motion to seal is agreed or unopposed. GR (c)(1).

- The motion and proposed order should address the five so-called “Ishikawa factors,” from *Seattle Times v Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982).
- The proposed order must include, “specific proposed findings setting forth the basis for sealing the documents.” LGR 15(c)(2)(C).
- When a party seeks to have a document sealed in part, a “redacted” document should be filed in the public court record. Redacted documents should on their face state that they are redacted.
- A complete un-redacted version of the document should be submitted in hard copy to the Judges’ mailroom, with a coversheet that designates the document as sealed, as well as the date on which the motion is noted for consideration for sealing. LCR 15(c)(2)(E).
- It is critical that each document have a clear and very specific title and that this title is used uniformly in the parties’ materials. Instead of titling a declaration “Declaration of John Smith,” consider titling it “Declaration of John Smith in Support of Motion for Summary Judgment.”
- In the proposed order it is helpful to refer to the location in the docket of the redacted version of the document being sealed (although it is not always known at the time of the motion to seal).
- Keep in mind that your proposed order is giving direction to the Clerk’s Office. The Clerk’s Office should not need to interpret or assume anything. The proposed order should direct the Clerk’s office to seal a clearly identified document; an order merely “granting,” a motion to seal does not do so.

SAVE THE DATE

May 19th - Spring Member Event

6:00pm at the Rainier Club.

November 10th - MIT

Washington Athletic Club

November 10th - Annual Meeting Dinner and Awards

Washington Athletic Club

More information and registration information for the above events will be sent out closer to the dates.

AMERICAN CIVIL BAR ROUNDTABLE

The American Civil Trial Bar Roundtable's mission is to improve and protect all aspects of the civil justice system through shared, substantive and collaborative discourse on matters concerning the civil justice system, including the right to trial by jury, the existence of an adequately funded and independent judiciary, assurance of ethics and civility in the practice of law, and civic education of the public. ABOTA sponsors a series of meetings throughout the year and, as in all things that ABOTA does, invites attorneys from the Plaintiff and Defense bar for input. The meetings were organized to bring together representatives of the most significant law or Bar related organizations and trial practitioners representing diverse viewpoints in the civil trial Bar and to gain their expert assessment of the state of the civil trial system and make recommendations in that regard. The participants acknowledged the lack of consensus about the validity of some issues, but they stressed the importance of having a forum in which to exchange ideas. Some general propositions supported by the Roundtable groups include the following: 1. The civil justice system operates best when each party is on as level a playing field as possible with regard to trial resources, and litigants are represented by qualified and competent counsel; and 2. The United States' sophisticated economic system needs a reliable judicial system rendering fair and impartial justice.