

# American Board of Trial Advocates™



## Washington Chapter Newsletter May 2023

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### PRESIDENT'S MESSAGE



Dear Members,

Last Wednesday, we had our first executive board meeting in person. Thank you to Ketia Wick (Immediate Past President), Eron Cannon (President elect) and Tom Fain (Past President and Civics Foundation Liaison) for hosting us as FAVROS.

Following our board meeting we had the privilege of hosting members of the bench and bar for our Spring Event. The Columbia Tower space was perfect for the occasion especially because the weather and views were spectacular Wednesday evening.

We are indebted to our Executive Director, Nicole Battles and our Vice President, Tom Vertetis and his staff for the organization and coordination of the federal bench and the members of the Federal Bar Association-WDWA.

We had remarks by the FBA President Robert Flennaugh and a toast by Cynthia Jones, Lawyer Representative to the Ninth Circuit. We had over 200 lawyers, judges and community members in attendance, and it was a great atmosphere. We honored the newest member of the US District Court for the Western District. Nicole greeted our new guests and make sure everyone's name tags were personalized. Tom Vertetis, as usual, was an exceptional MC. He entertained the audience with the purpose and mission of ABOTA and he introduced the Chief Judge David Estudillo. Judge Estudillo introduced Judge Lauren King, Jamal Whitehead and US Magistrate Judge Grady Leupold. Each of the judges gave brief introductions about themselves. We also have the privilege of hearing from Senior Judge Robert Lasnik. As a token, our chapter provided each of the new judges with a small crystal with a message about ABOTA. Judge Tana Lin and Judge John Chun were unable to make it.

Thanks to our past leadership, our Chapter has a great presence in the local and national legal community. We will continue to meet, network and socialize with friends and colleagues all over the state and country. We welcome new member nominations.

As soon as we receive the photos from the Spring Event, we will send them around. Wishing everyone a wonderful Spring weekend.

## **FREE CLE**

The ABOTA Foundation is holding a free virtual CLE on May 16th, 2023 from 1:00P.M. - 2:00P.M. Central

### **The Opening Statement**

#### **Register at**

[https://us06web.zoom.us/webinar/register/WN\\_VAeYFd9qQuuhwn3X8S0-Hw#/registration](https://us06web.zoom.us/webinar/register/WN_VAeYFd9qQuuhwn3X8S0-Hw#/registration)

## CIVIL TRIAL TIP OF THE MONTH



ABOTA Washington is 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 Trial Tip is from King County Superior Court **Judge David Keenan**. Judge Keenan has served as a trial judge at the King County Superior Court since 2017. Judge Keenan brings a unique perspective to the bench, having lived in King County for more than 50 years where he was raised by his mother in poverty and was a juvenile defendant in the very court he now serves in. In addition to serving as a Superior Court Judge, Judge Keenan has served as a judge pro tempore in King County District Court and Federal Way Municipal Court. You can learn more about Judge Keenan at <https://kingcounty.gov/courts/superior-court/directory/judges/keenan.aspx>

### **General Rule 33**

Meaningful access to justice includes not only a right to trial, but to access the trial and engage with the court irrespective of disability. Recently, the Washington Supreme Court created a Disability Justice Task Force, co-chaired by Justice G. Helen Whitener and King County Superior Court Judge David Whedbee. Though many laws address the important rights of members of our community living with disabilities, when seeking

access to courts in King County and throughout Washington, a good place to start is General Rule 33.

### **How does someone request an accommodation?**

There is no wrong way to ask for an accommodation for an individual living with a disability who wants to access the court. What is most important is that one alerts the court as to what they need so that the court can work to ensure that access. Requests can be made formally or informally at any point in the proceeding, and a pretrial conference presents a good opportunity to alert the trial judge, though ideally accommodation requests should follow the formal procedure outlined below.

Formal accommodation requests can be made consistent with King County Superior Court's local procedure. GR 33(b)(3) ("Local procedures not inconsistent with this rule are encouraged.") If a person has questions about starting the process, the court's [website](#) has a good deal of information. On the website, one will find an overview of the process, contact information for the Accommodation Office, [a link to the accommodation request form](#), and [a link to instructions for completing the form](#).

Though a formal request is helpful to the court in addressing the accommodation, GR 33 does not require a particular form or such formality. GR 33(b)(4) ("An application requesting accommodation *should* be made on a form approved by the Administrative Office of the Courts, and *may* be presented ex parte in writing, or orally and reduced to writing, to the presiding judge or officer of the court or [their] designee.") (emphasis added). If a person makes an accommodation request and the court can easily provide the accommodation, generally the court should. GR 33(b)(3) ("Informal practices are appropriate when an accommodation is clearly needed and can be easily provided.")

### **Whom should a litigant contact?**

Litigants can contact the King County Superior Court Public Access Specialist regarding accommodation requests by email to [SCAccessADA@kingcounty.gov](mailto:SCAccessADA@kingcounty.gov) or by phone at (206)477-5694.

### **Who decides whether to grant the accommodation?**

The Public Access Specialist can often approve requests. Under GR 33, the request may also be made "to the presiding judge or officer of the court or [their] designee." GR 33(b)(4). In practice, the request might first go to the Public Access Specialist, or it might go straight to the judicial officer presiding over the particular case.

### **Should I be concerned about, for example, turning over healthcare information from a litigant to the court?**

Concerns might arise when, for example, a party is providing ex parte healthcare information to a judicial officer in the party's case. This is another reason why the court encourages individuals seeking an accommodation to make their requests through the court's Public Access Specialist as an initial matter rather than providing the information directly to the trial judge.

### **What happens after making an accommodation request?**

Often, the court will simply provide the accommodation. GR 33(b)(1) ("Requests . . . will be addressed promptly and in accordance with the ADA and the Washington State Law Against Discrimination, with the objective of ensuring equal access to courts, court programs, and court proceedings.") The court will try to start with what the person asks for. GR 33(c)(1)(B) (specifying that a court "shall . . . give primary consideration to the accommodation requested by the applicant"). A person living with a disability may know what works best for them, and the court may start there.

The court wants parties, counsel, witnesses, and everyone to be able to access trial and every court service, program, or activity in ways that ensure that all court users feel heard, understood, and that they have a meaningful say in what happens in their cases. The information outlined above can help the court ensure that it provides this important access.

## **UPCOMING EVENTS**

### **November 9th - Masters In Trial**

Mark your calendars for this event - you won't want to miss it! Join us as we walk through a case from voir dire to closing statements teaching valuable strategies you can use in your next trial.

### **November 9th - Annual Meeting & Awards Dinner**

Join us at the Washington Athletic Club for our Annual Meeting and Awards Dinner. Mark your calendars. More details to come.

## **VOIR DIRE COMPETITION**

Past President Keita Wick is spearheading a new ABOTA program featuring a voir dire competition with students of our local law schools. This program is successful in other chapters and helps introduce ABOTA to law students and strengthen our relationship with the law schools.

We are in the early stages of planning, but are looking for some ABOTA members to be on the planning committee. If this is something you are interested in, please contact Nicole Battles at [abotawashington@gmail.com](mailto:abotawashington@gmail.com).

## **ABOTA - CIVIC LEARNING COUNCIL**

### **CLC-ABOTA Civic Education Grants**

As reported previously, ABOTA has funded an education grant program through the Washington Civic Learning Council (CLC). The CLC is a 501(c)(3) organization whose mission is to address gaps in, and provide resources and support for, K-12 schools and youth development programs involved in civic development and education. In addition to the three grants awarded at the time of my last report, CLC has awarded two more grants, one involving the acquisition of technology/videographic equipment for use by the Washington Youth Legislature as part of the YMCA Youth and Government program. The other is a grant to help defray travel expenses for an advanced placement government class to travel to the state capitol in January to participate in the We the People competition. In the three school-year months the program has been operational, the program has funded six programs furthering educational opportunities for students and educators, and providing resources to underserved school districts. We are making a difference. Thank you for your support.

### **Recent Grants:**

\$1,200 to send attendees to the YMCA Conference on National Affairs in North Carolina.

\$660 to Greenwood Elementary for *The State We're In* materials for 4th grade.

\$2,500 to Franklin High School for their Mock Trial Competition.