

WSR 21-14-105
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO) NO. 25700-A-1362
CRLJ 43—TAKING OF TESTIMONY)

The District and Municipal Court Judges' Association, having recommended the suggested amendment to CRLJ 43—Taking of Testimony, and the Court having approved the suggested amendment for publication; Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 1st day of July, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to WASHINGTON STATE COURT RULES:
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION

Amend RULE 43

TAKING OF TESTIMONY

Submitted by the District & Municipal Court Judges' Association

A. Name of Proponent: District & Municipal Court Judges' Association (DMCJA)

B. Spokesperson: Judge Michelle Gehlsen, President DMCJA

C. Purpose: It was recently brought to the attention of the DMCJA that CR 43 (a)(1) includes a sentence pertaining to remote testimony that is absent from CRLJ 43 (a)(1). The sentence reads, "For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location." Having considered the matter, the DMCJA Board determined that courts of limited jurisdiction would benefit from similar flexibility in permitting remote testimony. Further, it is good practice for the rules of the trial courts to remain congruent. Therefore, the DMCJA requests that an additional sentence be added to CRLJ 43 (a)(1) making it identical to CR 43 (a)(1).

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amendment:

CRLJ 43

TAKING OF TESTIMONY

(a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

(2) *Multiple Examinations.* When two or more attorneys are upon the same side trying a case, the attorney conducting the examination of a witness shall continue until the witness is excused from the stand; and all objections and offers of proof made during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination.

(b) - (k) [Unchanged.]