

WSR 24-16-101
RULES OF COURT
STATE SUPREME COURT
[June 7, 2024]

IN THE MATTER OF THE PROPOSED ) ORDER
NEW RULE JuCR 11.23— ) NO. 25700-A-1576
PROCEEDINGS USING REMOTE )
TECHNOLOGY AUTHORIZED )

The BJA Remote Proceedings Work Group, having recommended the adoption of the proposed new rule JuCR 11.23—Proceedings Using Remote Technology Authorized, and the Court having considered the proposed new rule, and a majority having determined that the proposed new rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the revised proposed amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the proposed new rule will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 7th day of June, 2024.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

JuCR 11.23
PROCEEDINGS USING REMOTE TECHNOLOGY AUTHORIZED
[NEW]

(a) Application. This rule applies to cases filed under chapter 13.34 RCW, chapter 13.36 RCW, and chapter 13.38 RCW.

(b) The court may allow persons to use remote technology (e.g., telephone, videoconferencing) to appear at any hearing, provided that the hearing comports with due process and, if applicable, CR 43. If the court allows appearances by remote technology, the following provisions apply:

(1) Any person whose remote technology does not allow them to participate clearly and consistently may be required to appear in person.

(2) All hearings shall be public, and the public shall be able to hear and, if applicable, see persons using remote technology.

(3) Represented persons shall have the opportunity to communicate confidentially with their counsel, including before the cross-examination of any witnesses, and these private consultations shall not be recorded.

(4) Persons shall immediately inform the court if their ability to understand or participate in the proceeding is or becomes compromised by the use of remote technology.

(5) If a person uses remote technology to appear, and their appearance is disconnected, and they do not immediately contact the court or reappear in person or by remote technology, the court may de-

termine if the person voluntarily absented themselves from the proceeding.

(6) Nothing in this rule infringes on the authority of the court to control and manage the proceeding.

**(c) Interpreters.** GR 11.3 applies.