

TRUST AND ESTATE LITIGATION SUBCOMMITTEE

In February of this year, the RPPT Section commissioned the new “Trust and Estate Litigation Subcommittee.” The idea for the Subcommittee grew from recognition that trust and estate (“T&E”) dispute resolution and litigation has become a niche practice with unique challenges. T&E litigation is specifically governed by RCW Chapter 11.96A the “Trust and Estate Dispute Resolution Act” (“TEDRA”). TEDRA disputes also are defined as “Special Proceedings” under the Civil Rules. As a result, to the uninitiated, an estate or trust dispute can be a procedurally harrowing experience. The global purpose of the Subcommittee is to address issues unique to T&E litigation to further more consistent and higher quality practice.

T&E litigation tends to be populated by lawyers from two camps—civil litigators and estate and trust lawyers. The makeup of the Subcommittee is reflective of the fact that both of these groups lean heavily on the other. The initial members of the Subcommittee are:

Lance L. Losey (Chair)
Ryan Swanson & Cleveland PLLC

Deborah Phillips (Secretary)
Perkins Coie LLP

Karen R. Bertram
Garvey Schubert Barer

Patricia H. Char
Preston Gates & Ellis LLP

Scott A. W. Johnson
Stokes Lawrence PS

Kenneth M. Kilbreath
Inslee Best Doezie & Ryder

Douglas C. Lawrence
Stokes Lawrence PS

Ladd Leavens
Davis Wright Tremaine LLP

Gail E. Mautner
Lane Powell PC

Elizabeth N. McCaw
Stokes Lawrence P.S.

Sheila C. Ridgway
*Mary Anne Vance & Sheila C.
Ridgway, P.S.*

Christopher F. Ries
Ries Law Firm

James M. Shaker
Ryan Swanson & Cleveland PLLC

Russell J. Speidel
Speidel Law Firm

Ann T. Wilson
Law Offices of Ann T. Wilson

The Subcommittee made its first task a “tune up” of TEDRA. Since its effective date of January 1, 2000, TEDRA has significantly changed T&E dispute practice. Predictably, with five years of wear and tear, TEDRA has revealed certain ambiguities that the Subcommittee hopes to address. Since February, the Subcommittee has been drafting a TEDRA amendment bill which is scheduled to be ready to send to Olympia for the 2006 legislative session. Among the issues addressed in the draft

bill are: a) firming up when and how discovery is permitted and when the civil rules apply; b) specifying that “Citations” under RCW Chapter 11 may be issued in the form of a TEDRA “Summons”; and c) clarifying TEDRA’s “notice” rules.

If you wish to learn more of the Subcommittee’s work or to receive a copy of the current draft bill, please feel free to contact any subcommittee member or its current chair, Lance Losey, at 206-654-2256 or losey@ryanlaw.com.