



Stakeholder Meeting Minutes

February 21, 2025

Call to Order: The meeting convened at 10 a.m. with the following participants:

Holly Kessler
Isabel A. M. Cole
Bob Battles
Brian Watkins
Kylee Redman
Anita Booker-Hay

Lynn Hendrickson
Bryan Ovens
Dane Henager
Diana Cartwright
Jason Dickey-North
Katherine Mason

Lindsey Hueer
Rose Gundersen
Ryan Miller
Sarah Jackson
Chris Bishop
Shawna Fruin

Immigration Policy: Anita advised if you have any concerns about a client appearing in person for a proceeding, please remember we offer Zoom and phone options.

BIIA CLE: Holly announced we are rescheduling from September 12, 2025, to October 16, 2026, due to the Governor's spending freeze.

Renton Office Update: Lynn provided information about the Renton office at Triton Tower Two, including photos and driving directions.

Case Management Update: Anita reported the system is still being built in the Salesforce platform, and we are also conducting early user acceptance testing. Soon, we will offer stakeholders the opportunity to participate in testing. At this time, we are hoping to go live in mid-May.

BIIA Staff Update: Anita reported today is Janene Sohng-Lalonde's last day; Steve Straume retired in January; and at the end of March Tim Wakenshaw is retiring. We received an exemption to the hiring freeze to hire behind departing judges, and Philip Chin and Peter Jones will join us on March 3.

Kudos:

- Diane Cornell for grace and professionalism at a WISHA scheduling conference.
- Cindy Blocher, she was very helpful in getting a medical exam scheduled.
- Marnie Sheeran, who has been professional and patient with parties during some interesting mediations.
- Chris Cicierski-an injured worker was really impressed with how thoughtful and considerate he and the employer's attorney were.

Stakeholder Q&A:

- Jason commented that the budget freeze is impacting the AGO too, and there are still frequent requests for in-person proceedings. Have there been discussions about more frequent use of hybrid options?
 - Anita noted that our judges are generally pretty flexible. Please reach out to her if you find that is not the case.
 - Lynn noted that the amended CR 43 supports hybrid options, and sometimes we are limited by technology if the proceeding is not in a BIIA office.
 - Brian noted that in December we amended 263-12-115(10):
Hearing format. Hearings generally occur by contemporaneous transmission from different locations (for example, video or telephone). Participants may request to appear in person. If the parties disagree on the format for the hearing, the industrial appeals judge will determine the format for the hearing
- Ryan commented on the inconsistent application of ER 703, allowing the ultimate opinions of others to come into the record, which is problematic because there is no opportunity to cross-examine. First, are we in agreement that ER 703 only applies to facts and data, not ultimate opinions? I've seen it several times now. To allow a non-testifying expert's opinion to come into evidence can be prejudicial. I encourage the board to sustain those objections when it comes into evidence without them testifying.
 - Anita noted that we just had a refresher training on that this week.
 - Brian noted this is an area people disagree on. The federal rule was changed many years to require what Ryan is suggesting. But Washington's 703 has not been changed.
- Katherine: Often our PDOs come in with "all objections are overruled" on all sides regarding depositions. I find that improbable.
 - Anita noted that objections are not lost and can be renewed on appeal.
- Katherine noted there is a court reporter bill in the Legislature, HB 1174. It's in Appropriations now. Brian will look into it.
- Diana asked who we are looking for regarding case management system testing?
 - Anita: We will reach out to a diverse group, not just attorneys. It will likely include paralegals as well, people who currently file using our portal.

Next meeting: We proposed May 30, 2025, at 10 a.m. Please email jay.raish@biia.wa.gov if you have conflicts.

Public Comment: If you have a comment, please email jay.raish@biia.wa.gov and the Board will review it.

Adjournment: The meeting was adjourned at 10:55 a.m.

Respectfully submitted,
/s/
Jay Raish, Confidential Secretary