
SUBSTITUTE HOUSE BILL 2840

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Foreman, Scott, Sheahan, McMahan, Backlund, Thompson, Clements, Goldsmith, Dyer, Huff, Carlson and Johnson)

Read first time 02/02/96.

1 AN ACT Relating to establishing a certificate of merit procedure in
2 law suits; adding a new section to chapter 4.24 RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) The claimant's attorney shall file the certificate specified in
8 subsection (2) of this section within ninety days of filing or service,
9 whichever occurs later, of any action for damages arising out of: The
10 negligence of a person licensed, registered, or certified under Title
11 18 RCW or a health care facility as defined in RCW 48.43.005; or a
12 product liability claim under chapter 7.72 RCW. The court may, for
13 good cause shown, extend the period of time within which filing of the
14 certificate is required.

15 (2) The certificate issued by the claimant's attorney shall
16 declare:

17 (a) That the attorney has reviewed the facts of the case;

1 (b) That the attorney has consulted with at least one qualified
2 expert who the attorney reasonably believes is knowledgeable in the
3 relevant issues involved in the particular action and who:

4 (i) Holds a license, certificate, or registration issued by this
5 state or another state in the same profession as that of the defendant
6 and who practices in the same specialty or subspecialty as the
7 defendant; or

8 (ii) Has expertise in those areas requiring expert testimony in a
9 product liability claim or in an action against a health care facility;

10 (c) The identity of the expert and the expert's license,
11 certification, or registration;

12 (d) That the expert is willing and available to testify to
13 admissible facts or opinions; and

14 (e) That the attorney has concluded on the basis of such review and
15 consultation that there is reasonable and meritorious cause for the
16 filing of such action.

17 (3) Where a certificate is required under this section, and where
18 there are multiple defendants, the certificate or certificates must
19 state the attorney's conclusion that on the basis of review and expert
20 consultation, there is reasonable and meritorious cause for the filing
21 of such action as to each defendant.

22 (4) The provisions of this section shall not be applicable to a pro
23 se plaintiff until such a time as an attorney appears on the
24 plaintiff's behalf.

25 (5) Violation of this section shall be grounds for either dismissal
26 of the case or sanctions against the attorney, or both, as the court
27 deems appropriate.

28 NEW SECTION. **Sec. 2.** Section 1 of this act applies to all actions
29 for damages filed on or after July 1, 1996.

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