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HOUSE BILL 2840

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Foreman, Scott, Sheahan, McMahan, Backlund,  
Thompson, Clements, Goldsmith, Dyer, Huff, Carlson and Johnson

Read first time 01/22/96. Referred to Committee on Law & Justice.

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.

13 (2) The certificate issued by the claimant's attorney shall  
14 declare:

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

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

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

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

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

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

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

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

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

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

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

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