
HOUSE BILL 1796

State of Washington 56th Legislature 1999 Regular Session

By Representatives Huff, Lisk, Carrell, Cairnes, Benson and Sullivan

Read first time 02/05/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to establishing a certificate of merit procedure in
2 lawsuits; 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 the
14 certificate is required.

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

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

17 (b) That the attorney has consulted with at least one qualified
18 expert who the attorney reasonably believes is knowledgeable in the
19 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 the review and
12 consultation that there is reasonable and meritorious cause for filing
13 the 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 filing the
18 action as to each defendant.

19 (4) This section does not apply to a pro se plaintiff until an
20 attorney appears on the plaintiff's behalf.

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

24 NEW SECTION. **Sec. 2.** Section 1 of this act applies to all actions
25 for damages filed after December 31, 1999.

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