

WSR 23-21-026
RULES OF COURT
STATE SUPREME COURT
[October 3, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1539
RAP 9.7—PREPARING CLERK'S)
PAPERS AND EXHIBITS FOR)
APPELLATE COURT)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 9.7—Preparing Clerk's Papers and Exhibits for Appellate Court, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2024.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2024. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 3rd day of October, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 9.7 - Preparing Clerk's Papers and Exhibits for Appellate Court

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: The proposed amendments: (1) replace "50 cents a page" with a reference to the statute that sets the amount that must be charged for preparation of clerk's papers; (2) removes the requirement that clerk's papers be bound and increases volume size from 200 pages to 500 pages (considering that clerk's papers are now filed electronically and appellate court servers can accommodate the larger file size); and (3) adds a requirement that clerks provide not only a copy of the index to the clerk's papers but also a copy of the corresponding clerk's papers to each party who has paid for copies. These proposed changes acknowledge technological advancements and the reality that reproduction costs may change.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 9.7

PREPARING CLERK'S PAPERS AND EXHIBITS FOR APPELLATE COURT

(a) Clerk's Papers. The clerk of the trial court shall make copies at cost, not to exceed ~~50 cents a page~~ the amount authorized by RCW 36.18.016(21), of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing, ~~and bind~~ in volumes of no more than ~~200~~ 500 pages, or, as authorized by the appellate court, ~~assemble~~ and transmit the numbered clerk's papers to the appellate court in electronic format. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party. The reproduction costs must be paid to the trial court clerk within 14 days of receipt of the index. Failure to do so may result in sanctions under rule 18.9. Within 14 days of receiving payment, the clerk shall forward the clerk's papers to the appellate court and to each party that has paid for copies.

(b) Exhibits. The clerk of the trial court shall assemble those exhibits designated by the parties and prepare them for transmission to the appellate court. Exhibits that are papers should be assembled in the order the exhibits are numbered with a cover sheet that lists only the exhibits being transmitted and is titled "Exhibits."

(c) Certified Record of Administrative Adjudicative Orders. When an administrative agency has certified the record of an administrative order for review by the superior court, the clerk of the superior court shall electronically transmit to the appellate court the record certified by the administrative agency.