

WSR 23-21-030
RULES OF COURT
STATE SUPREME COURT
[October 3, 2023]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO ) NO. 25700-A-1543
RAP 18.5—SERVICE AND FILING OF )
PAPERS )

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 18.5—Service and Filing of Papers, 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 18.5 - Service and Filing of Papers

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: The proposed amendments to RAP 18.5: (1) add a new paragraph (b), entitled "Electronic Filing" and change current paragraphs (a) and (b) to (i) and (ii), respectively, and insert paragraphs (i) and (ii) under a new paragraph (a) heading, entitled "Nonelectronic Filing". The purpose of paragraph (a) ("Nonelectronic Filing") and paragraph (b) ("Electronic Filing") is to clarify that service and proof of service requirements for filed papers apply to papers filed nonelectronically and not to papers filed electronically unless a case participant entitled to service of the filed paper does not participate in electronic filing.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 18.5

## SERVICE AND FILING OF PAPERS

**(a) Nonelectronic Filing.**

**(ai) Service.** Except when a rule requires the appellate court commissioner or clerk or the trial court clerk to serve a particular paper, and except as provided in rule 9.5, a person filing a paper must, at or before the time of filing, serve a copy of the paper on all parties, amicus, and other persons who may be entitled to notice. If a person does not have an attorney of record, service should be made upon the person. Service must be made as provided in CR 5(b), (f), and (g).

**(bii) Proof of Service.** Proof of service should be made by an acknowledgment of service, or by an affidavit, or, if service is by mail, as provided in CR 5(b). Proof of service may appear on or be attached to the papers filed.

**(b) Electronic Filing.** When documents are filed electronically, the service and proof of service requirements set forth in subsection (a) apply to only parties, amicus, or other persons who are entitled to service but do not participate in electronic filing.

**(c) Filing.** Papers required or permitted to be filed in the appellate court must be filed with the clerk, except that an appellate court judge may permit papers to be filed with the judge, in which event the judge will note the filing date on the papers and promptly transmit them to the appellate court clerk.

**(d) Filing by Facsimile.** (Reserved. See GR 17—Facsimile Transmission.)

**(e) Service and Filing by an Inmate Confined in an Institution.** An inmate confined in an institution may file and serve papers by mail in accordance with GR 3.1.