

2 SSB 5386 - S AMD
3 By Senator McMullen

4 NOT ADOPTED 2/18/92

5 On page 2, beginning on line 24, strike all of section 2 and insert
6 the following:

7 "NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
8 to read as follows:

9 (1) Each defendant's attorney shall file the certificate specified
10 in subsection (2) of this section within thirty days of service of a
11 summons and complaint in any action for damages arising out of the
12 professional negligence of a person licensed, registered, or certified
13 under Title 18 RCW.

14 (2) The certificate filed by each defendant's attorney shall
15 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 holds a license, certificate, or registration issued by this
19 state or another state in the same profession as that of the defendant,
20 who practices in the same specialty or subspecialty as the defendant,
21 and who the attorney reasonably believes is knowledgeable in the
22 relevant issues involved in the particular action;

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

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

1 (e) That the attorney has concluded on the basis of such review and
2 consultation that there is not reasonable and meritorious cause for the
3 filing of such action.

4 (3) Where a certificate is required under this section, and where
5 there are multiple claimants, the certificate or certificates must
6 state the attorney's conclusion that on the basis of review and expert
7 consultation, there is not reasonable and meritorious cause for the
8 filing of such action as to each claimant.

9 (4) The provisions of this section shall not be applicable to a
10 defendant who is not represented by an attorney.

11 (5) Violation of this section shall be grounds for either dismissal
12 of the case or sanctions against the attorney, or both, as the court
13 deems appropriate."

14 "NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply to
15 all actions for damages arising out of professional negligence filed on
16 or after August 1, 1992."

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20 On page 1, line 2 of the title, after "adding" strike "a new
21 section" and insert "new sections"