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SENATE BILL 5386

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State of Washington

52nd Legislature

1991 Regular Session

By Senators McCaslin and Bailey.

Read first time January 30, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to establishing a certificate of merit procedure in  
2 law suits alleging professional negligence; adding a new section to  
3 chapter 4.24 RCW; and creating a new 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 thirty days of filing or service,  
9 whichever occurs later, for any action for damages arising out of the  
10 professional negligence of a person licensed, registered, or certified  
11 under Title 18 RCW.

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

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

1 (b) That the attorney has consulted with at least one qualified  
2 expert who holds a license, certificate, or registration issued by this  
3 state or another state in the same profession as that of the defendant,  
4 who practices in the same specialty or subspecialty as the defendant,  
5 and who the attorney reasonably believes is knowledgeable in the  
6 relevant issues involved in the particular action;

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  
20 plaintiff who is not represented by an attorney.

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

24 NEW SECTION. **Sec. 2.** Section 1 of this act applies to all  
25 actions for damages arising out of professional negligence filed on or  
26 after August 1, 1991.