

WSR 21-13-053
RULES OF COURT
STATE SUPREME COURT
[June 4, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1345
RAP 6.3 AND RAP 9.7, AND NEW)
SUGGESTED RAP 6.4)

The Court of Appeals and Court Recovery Task Force Appellate Committee, having recommended the adoption of the suggested amendments to RAP 6.3 and RAP 9.7, and new Suggested RAP 6.4, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9 (j) (1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of June, 2021.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

RAP 6.3

DIRECT REVIEW OF A FINAL DECISION OF AN ADMINISTRATIVE AGENCY

The appellate court accepts direct review of a final decision of an administrative agency in an adjudicative proceeding according to the procedures set forth in under RCW 34.05.518 and RCW 34.05.522. A case that has been certified for review by the superior court is treated as a direct appeal. A party contesting a superior court's order on certification shall follow the procedures for discretionary review. In requesting direct review, the parties shall follow the procedures set forth in rule 6.2. A party contesting a superior court's order granting certification shall file a motion for relief with the court of appeals within 15 days of the order granting certification. Review of the certification decision shall be guided by standards set forth in RCW 34.05.518. On July 1, 2026 this rule shall revert to the version in effect prior to June 13, 2021.

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, 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 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.

(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 ~~original~~ record certified by the administrative agency.

RAP 6.4

DIRECT REVIEW OF A LAND USE

PETITION ACT PROCEEDING

The appellate court accepts direct review of a Land Use Petition Act proceeding according to the procedures set forth in RCW 36.70C. A case that has been certified for review by the superior court is treated as a direct appeal. This rule shall expire July 1, 2026.