

WSR 22-21-114
RULES OF COURT
STATE SUPREME COURT
[October 13, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO RAP) NO. 25700-A-1475
2.2—DECISIONS OF THE SUPERIOR)
COURT THAT MAY BE APPEALED)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendment to RAP 2.2—Decisions of the Superior Court That May be Appealed, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is 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 2023.

(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, 2023. 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 13th day of October, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 2.2(a) - Decisions of the Superior Court That May Be Appealed

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 2.2(a) provides for a list of superior court decisions that may be appealed as a matter of right "[u]nless otherwise prohibited by statute or court rule" and except as provided in section (b) related to appeals by the State or a local government in criminal cases or section (c) related to superior court decisions on review of decisions of court of limited jurisdiction.

In some areas, the legislature has provided for an immediate right of appeal from certain superior court decisions that may not otherwise be appealable under RAP 2.2(a). For example, the Uniform Public Expression Protection Act, chapter 4.105 RCW, which became effective in July 2021, authorizes a special motion for expedited relief to dismiss in whole or in part a cause of action to which the act applies and allows the moving party to appeal as a matter of right from an order denying such a motion in whole or in part. RCW

4.105.020, .080. RAP 2.2(a) already contemplates situations where certain superior court decisions are not appealable when "otherwise prohibited by statute." To avoid any conflict between the rule and a statute, the proposed change to RAP 2.2(a) will clarify that certain superior court decisions are appealable when "provided by statute."

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 2.2 DECISIONS OF THE SUPERIOR COURT THAT MAY BE APPEALED

(a) Generally. Unless otherwise prohibited or provided by statute or court rule and except as provided in sections (b) and (c), a party may appeal from only the following superior court decisions:

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.