

WSR 22-23-098
RULES OF COURT
STATE SUPREME COURT
[November 10, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1480
RAP 10.5—REPRODUCTION AND)
SERVICE OF BRIEFS)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 10.5—Reproduction and Service of Briefs, 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 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 10th day of November, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment
Rules of Appellate Procedure
Rule 10.5 - Reproduction and Service of Briefs

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: RAP 10.5 provides that the appellate court clerk "will" arrange for the economic reproduction of each brief and charge the parties to pay the cost of reproduction. The rule also allows appellate court commissioner or clerk to permit a governmental party to reproduce and directly supply copies of briefs required by the court in lieu of the clerk's reproduction.

In light of the current status of electronic filings, reproduction of briefs may not be necessary. The proposed amendment to the rule will make the clerk's reproduction discretionary by changing the word "will" to "may" and will eliminate unnecessary copying of paper documents and reproduction charges. A separate proposed change to RAP 17.4 will also make reproduction of additional copies of all papers relating to motions or answers by appellate court commissioner or clerk discretionary. A separate proposed change to RAP 14.3(a) will

eliminate, from the list of recoverable costs for a prevailing party on review, cost of "preparation of a brief or other original document to be reproduced by the clerk," which is an amount per page fixed by the Supreme Court, while maintaining the cost of the clerk's reproduction charges. Additionally, in light of the current practice, the proposed amendment will remove the language that allows appellate court commissioner or clerk to permit a governmental party to directly supply copies of its briefs required by the court in lieu of reproduction. This is because the court has not utilized this practice and may not need this separate rule for a governmental party.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 10.5 REPRODUCTION AND SERVICE OF BRIEFS

(a) Reproduction of Brief. The appellate court clerk ~~will~~ may arrange for the economical reproduction of each brief and bill the party or amicus filing the brief for the cost of reproduction. If the clerk reproduces a ~~Each~~ brief, the clerk will be reproduced in ~~only~~ only the number of copies deemed necessary by the commissioner or clerk. The party or amicus must pay the cost of reproduction of the brief within 10 days after receiving the bill from the clerk. ~~The appellate court commissioner or clerk may permit, under appropriate standards, a governmental party to reproduce and directly supply to the commissioner or clerk the number of copies required by the court in lieu of reproduction of the briefs being made by the court.~~