

WSR 21-23-028
RULES OF COURT
STATE SUPREME COURT
[November 8, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO) NO. 25700-A-1389
RALJ 11.2—LAWYER'S FEES AND)
EXPENSES)

The Washington State Bar Association Court Rules Committee, having recommended the suggested amendment to RALJ 11.2—Lawyer's Fees and Expenses, 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 2022.

(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, 2022. 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 5th day of November, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment
RALJ 11.2 - LAWYER'S FEES AND EXPENSES

- A. Proponent: WSBA Court Rules and Procedures Committee
B. Spokesperson: Isham Reavis, Chair - WSBA Court Rules and Procedures Committee
C. Purpose: Update language and make it consistent with other statutes and rules.
D. Hearing: The proponent does not believe that a public hearing is necessary.
E. Expedited Consideration: Not requested.

SUGGESTED AMENDMENT
RULE 11.2

Lawyer's Attorney's Fees and Expenses

(a) Generally. If applicable law grants to a party the right to recover reasonable lawyer's attorney's fees or expenses, the party should request the fees or expenses as provided in this rule.

(b) Statutes Control. If a statute gives a party the right to recover reasonable lawyer's attorney's fees or expenses under certain circumstances for services in a court of limited jurisdiction, a party is entitled to fees and expenses under similar circumstances for services on an appeal to the superior court.

(c) Argument in Brief. The party should devote a section of the brief to the request for the fees or expenses.

(d) Affidavit. At or before oral argument, the party should serve and file an affidavit in the superior court detailing the expenses incurred and the services performed by counsel.

(e) Oral Argument. A party should include in oral argument a request for the fee or expenses and a reference to the affidavit on file.