

WSR 23-21-029
RULES OF COURT
STATE SUPREME COURT
[October 3, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1542
RAP 10.4—PREPARATION AND)
FILING OF BRIEF BY PARTY)

The Washington State Court of Appeals Rules Committee, having recommended the suggested amendments to RAP 10.4—Preparation and Filing of Brief by Party, 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 2024.

(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, 2024. 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 3rd day of October, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment

Rules of Appellate Procedure

Rule 10.4 - Preparation and Filing of Brief by Party

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: The proposed amendments to RAP 10.4: (1) add the word "exhibit" to the title of subsection (c); (2) allow pictorial images that require study on review to be inserted into the body of a brief or added as an appendix to a brief; and (3) specifically allow pictorial images to be in color notwithstanding GR 14's prohibition against "colored pages, highlighting or other colored markings."

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 10.4

PREPARATION AND FILING OF BRIEF BY PARTY

(a) Format of Brief. Briefs shall comply with the formatting requirements of RAP 18.17.

(b) Length of Brief. Briefs shall comply with the formatting requirements of RAP 18.17.

(c) Text of Statute, Rule, Jury Instruction, Exhibit, or the Like. If a party presents an issue which requires study of a statute, rule, regulation, jury instruction, finding of fact, exhibit, or the like, the party should type the material portions of the text out verbatim or include them by copy in the text or in an appendix to the brief. Pictorial images may be copied in the body of the text or in an appendix and may be in color, notwithstanding GR 14(a).

(d) Motion in Brief. A party may include in a brief only a motion which, if granted, would preclude hearing the case on the merits. The answer to a motion within a brief may be made within the brief of the answering party in the time allowed for filing the brief.

(e) Reference to Party. References to parties by such designations as "appellant" and "respondent" should be kept to a minimum. It promotes clarity to use the designations used in the lower court, the actual names of the parties, or descriptive terms such as "the employee," "the injured person," and "the taxpayer."

(f) Reference to Record. A reference to the record should designate the page and part of the record. Exhibits should be referred to by number. The clerk's papers should be abbreviated as "CP"; exhibits should be abbreviated as "Ex"; administrative records should be abbreviated as "AR"; and the report of proceedings should be abbreviated as "RP." Suitable abbreviations for other recurrent references may be used.

(g) Citation Format. Citations should conform with the format prescribed by the Reporter of Decisions pursuant to GR 14(d). The format requirements of GR 14 (a)-(b) do not apply to briefs filed in an appellate court.

(h) Unpublished Opinions. [Reserved. See GR 14.1.]