

WSR 26-02-016
RULES OF COURT
STATE SUPREME COURT
[November 6, 2025]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO ) NO. 25700-A-1669
RAP 10.3—CONTENT OF BRIEF )

The Court of Appeals Executive Committee, having recommended the suggested amendments to RAP 10.3—Content of Brief, 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 2026.

(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, 2026. 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, 2025.

For the Court

Johnson, J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
SUGGESTED AMENDMENT TO RAP 10.3

- 1. Proponent: Court of Appeals Executive Committee
2. Spokesperson & Contact Info: Judge Janet Chung, Court of Appeals Rules Committee Chair
3. Purpose of Suggested Rule Amendment: The rule sets forth what should be included in a brief. Subsection (a)(5) explains what should be included in the statement of the case and requires "reference to the record" for "each factual statement." Subsection (a)(6) explains what should be included in the argument section, including "references to relevant parts of the record." Occasionally, the parties fail to provide references to the record or provide reference generally to voluminous documents as a whole without providing specific pages where relevant information is located. The proposed amendments seek to clarify that reference to the record required by the rule means reference to specific pages of the record or appendix. The proposed amendments also give a warning to the parties, particularly to pro se litigants, that the appellate court may refuse to address an argument that is based on factual assertions not supported by specific reference to the record or appendix. See Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (arguments that are not supported

by any reference to the record or by citation to authority need not be considered); In re Estate of Lint, 135 Wn.2d 518, 532, 957 P.2d 755 (1998) (appellate court "will not and should not" assume "an obligation to comb the record with a view toward constructing arguments"). Similar amendments are being proposed under RAP 17.3 governing the content of a motion.

4. Is expedited consideration requested? No.

5. Is a public hearing recommended? No.

#### RAP 10.3

#### Content of Brief

**(a) Brief of Appellant or Petitioner.** The brief of the appellant or petitioner should contain under appropriate headings and in the order here indicated:

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(5) *Statement of the Case.* A fair statement of the facts and procedure relevant to the issues presented for review, without argument. Reference to specific pages of the record or appendix must be included for each factual statement.

(6) *Argument.* The argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record. The argument may be preceded by a summary. The appellate court may refuse to address an argument that is based on factual assertions not supported by specific reference to the record or appendix. The court ordinarily encourages a concise statement of the standard of review as to each issue.