

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Tuesday, July 18, 2017 10:10 AM  
**To:** Tracy, Mary  
**Subject:** FW: Comment on proposed amendment to RAP 10.2(f)

**ATTENTION COURT FILERS:** The Supreme Court and the Court of Appeals now have a web portal to use for filing documents. Beginning July 3, 2017, all electronic filing of documents in the Supreme Court should be through the web portal. We will accept your attached document for filing, but you should immediately follow the directions below to register for and begin using the appellate courts web portal for all future filings.

Here is a link to the website where you can register to use the web portal: <https://ac.courts.wa.gov/>  
A help page for the site is at: <https://ac.courts.wa.gov/index.cfm?fa=home.showPage&page=portalHelp>  
Registration FAQs: <https://ac.courts.wa.gov/content/help/registrationFAQs.pdf>  
Registration for and use of the web portal is free and allows you to file in any of the divisions of the Court of Appeals as well as the Supreme Court. The portal will automatically serve other parties who have an e-mail address listed for the case. In addition, you will receive an automated message confirming that your filing was received.

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**From:** Wynne, Roger [mailto:Roger.Wynne@seattle.gov]  
**Sent:** Tuesday, July 18, 2017 9:56 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on proposed amendment to RAP 10.2(f)

I submit this comment in my personal capacity, not on behalf of the City of Seattle or its City Attorney.

The Court of Appeals proposes an amendment to RAP 10.2(f)(2) regarding the timing of *amici curiae* briefs in the Court of Appeals. The current deadline for *amici curiae* briefs in that court is "45 days after the due date for the last brief of respondent."

I applaud the proposal to start the clock from when the last response brief is actually filed, not from when response briefs were due. Response briefs might not be filed when due.

But I am concerned about the proposal to shorten the clock from 45 days to 30. This would mean *amici curiae* briefs would be due the same day as reply briefs. See RAP 10.2(b).

I would prefer the clock to run 45 days from when the last response brief is filed. A motion to file an *amicus curiae* brief must explain the applicant's familiarity with the scope of the argument presented by the parties. RAP 10.6(b). This makes sense. We don't want *amici* to shoot at the wrong target or repeat points already made. To be most effective, *amici* should be able to consider the reply briefing before finalizing their arguments.

The Court of Appeals reasons 30 days "will be sufficient in most cases, and will allow the case to proceed in an expeditious manner. If more time is needed, *amicus curiae* may request an extension of time." I appreciate

the Court's goal and concede the Court's proposal would expedite cases, but only by 15 days. Because the Court should want *amici* to review reply briefing, I respectfully suggest 30 days from the filing of the last response brief will be sufficient only in the rare instances when appellants file early replies. It would be a poor use of the Court's and parties' time to force *amici* to file a motion in most cases for additional time to review the replies before finalizing their briefing.

Thank you for considering my input.

- Roger Wynne



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