

[NEW] RULE 18.17
WORD LIMITATIONS, PREPARATION, AND FILING OF DOCUMENTS SUBMITTED TO
THE COURT OF APPEALS AND SUPREME COURT

(a) ~~Typing or Printing Documents~~ ~~Formatting Requirements~~. All documents covered by these rules, such as briefs, motions, petitions, responses, replies, answers, objections, statements of grounds for direct review and answers thereto, ~~or~~ statements of additional grounds for review, ~~etc.~~ ~~shall~~ ~~should~~ conform to the following requirements:

(1) All documents filed with the appellate court should be printed or typed with margins of at least 2 inches on the left side and 1-1/2 inches on the right side and on the top and bottom ~~of each page~~. Documents submitted in electronic format ~~shall~~ ~~should~~ be submitted in .pdf format and ~~shall~~ follow the electronic filing instructions published by the ~~C~~ courts. Documents submitted in hard copy should be printed on 20-pound substance, 8-1/2-by-11-inch, white paper. Documents ~~shall~~ ~~should~~ not contain ~~any~~ tabs, colored sheets of paper, or binding and should not be stapled ~~in the upper left hand corner~~.

(2) The text of ~~all~~ ~~any~~ documents filed with the appellate court ~~must~~ ~~should~~ be double spaced, except footnotes and block quotations, which may be single spaced. ~~All text~~ In a document produced using word processing software, ~~all text, including~~ footnotes and block quotations, ~~must~~ ~~should~~ appear in 14 point ~~text using a serif~~ font ~~comparable equivalent~~ to Times New Roman or a sans serif font ~~comparable equivalent~~ to Arial. ~~including any footnotes or quotations~~. ~~Any~~ document produced using a typewriter should appear in 12 point font or larger.

(b) **Certificate of Compliance**. All documents ~~filed with the appellate court submitted and~~ ~~produced using word processing software~~ ~~shall~~ ~~should~~ contain a short statement above the

Commented [RW1]: All proposed cross-references use this term.

Commented [RW2]: Redundant of "such as."

Commented [RW3]: Please see RAP 1.2(b) for "should," "must," and "shall."

Commented [RW4]: That likely goes without saying.

Commented [RW5]: The requirement is for documents filed with the (singular, lower-case) court. And courts might have conflicting instructions.

Commented [RW6]: "Any" is redundant.

Commented [RW7]: It appears the intent is for unstapled documents. This implies the party *may* staple the document in some other corner.

Commented [RW8]: "Including" modifies "text," not "software."

Commented [RW9]: Consistency. "Text using" is not used in the next sentence.

Commented [RW10]: See Ken Masters's comment.

Commented [RW11]: Redundant.

Commented [RW12]: This subsection would fit more logically if moved to the end and codified as (c), after the Rule introduces the concept of length limitations.

Commented [RW13]: Consistency with the other subsections, which use "filed with the appellate court."

Commented [RW14]: The certification would be unnecessary for typed documents, to which the page limit applies.

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signature line certifying the number of words contained in the document, exclusive of words contained in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits). ~~For purposes of this certification, the signor may rely on the word count calculation of the word processing software used to prepare the brief.~~

Commented [RW15]: This is still a list, even if preceded by "e.g."

Commented [RW16]: Unnecessary. The reader could infer no other purpose.

(c) **Word-Length Limitations.** All documents ~~filed with the appellate court shall~~ should conform to the following word-length limitations unless the appellate court has granted permission to file an overlength document ~~has been granted by the appellate court. The following length limitations are expressed as word limitations for documents produced using word processing software and as page limitations for documents produced by typewriter or written by hand. The word limitations listed below are exclusive of~~ exclude words contained in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits). The list below gives two limitations for each document, the first for documents produced using word processing software and the second for documents produced by typewriter or written by hand.

Commented [RW17]: The limitations are either word or page. And the proposed cross-references to RAP 18.17 are to "length limitations."

Commented [RW18]: Active voice.

Commented [RW19]: This sentence is better here because it refers to the length limitations (word and page). The next sentence addresses only word limitations, but the rule should first introduce the concept of word limitations.

Commented [RW20]: Active voice.

- (1) Statements of grounds for direct review and answers to statements of grounds for direct review (RAP 4.2 or RAP 4.3): 4,000 words (word processing software) or 15 pages (typewriter or handwritten).
- (2) Briefs of appellants, petitioners, and respondents (RAP 10.4): 12,000 words (word processing software) or 50 pages (typewriter or handwritten).

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- (3) Reply briefs of appellants (RAP 10.4): 6,000 words (word processing software) or 25 pages (typewriter or handwritten).
- (4) In ~~a~~ cross appeal~~s~~, briefs of appellants, briefs of respondents/cross appellants, and reply briefs of appellants/cross respondents (RAP 10.4): 12,000 words (word processing software) or 50 pages (typewriter or handwritten).
- (5) In ~~a~~ cross-appeal~~s~~, ~~the~~ reply briefs of the cross appellants (RAP 10.4): 6,000 words (word processing software) or 25 pages (typewriter or handwritten).
- (6) Amicus briefs and answers to amicus briefs (RAP 10.4): 5,000 words (word processing software) or 20 pages (typewriter or handwritten).
- (7) Statements of additional grounds for review (RAP 10.10): 12,000 words (word processing software) or 50 pages (typewriter or handwritten).
- (8) Motions to reconsider a decision terminating review and ~~any~~ answers and replies~~y~~ thereto (RAP 12.4): 6,000 words (word processing software) or 25 pages (typewriter or handwritten).
- (9) Amicus curiae memoranda and answers thereto (RAP 12.4 or RAP 13.4): 2,500 words (word processing software) or 10 pages (typewriter or handwritten).
- (10) Petitions for review, answers, and replies (RAP 13.4): 5,000 words (word processing software) or 20 pages (typewriter or handwritten).
- (11) Motions for discretionary review and responses thereto (RAP 13.5): 5,000 words (word processing software) or 20 pages (typewriter or handwritten).
- (12) Supplemental briefs (RAP 13.7): 5,000 words (word processing software) or 20 pages (typewriter or handwritten).

Commented [RW21]: As with legislation, rules are best drafted using the singular. I would suggest converting this entire list to singular, starting with: "Statement of grounds for direct review . . . Brief of appellant, petitioners, or respondent . . ."

But if this list remains in plural, consistency would be best.

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- (13) Personal restraint petitions (RAP 16.7): 12,000 words (word processing software) or 50 pages (typewriter or handwritten).
- (14) Briefs of appellants or respondents, and briefs in support of or opposition to a personal restraint petition submitted in capital cases (RAP 16.22): 60,000 words (word processing software) or 250 pages (typewriter or handwritten).
- (15) Personal restraint petitions that contain legal argument filed in capital cases (RAP 16.22): 72,000 words (word processing software) or 300 pages (typewriter or handwritten).
- (16) Reply briefs, pro se supplemental briefs, and responses to pro se supplemental briefs filed in capital cases (RAP 16.22): 18,000 words (word processing software) or 75 pages (typewriter or handwritten).
- (17) Motions and answers (RAP 17.4): 5,000 words (word processing software) or 20 pages (typewriter or handwritten).
- (18) Replies to answers to motions (RAP 17.4): 2,500 words (word processing software) or 10 pages (typewriter or handwritten).
- (19) Motions on the merits (RAP 18.14): 6,000 words (word processing software) or 25 pages (typewriter or handwritten).

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Proposed new RAP 18.17
Date: Friday, September 4, 2020 10:08:28 AM
Attachments: [image001.png](#)
[Proposed Amendment to RAP 18.17-rw REDLINED.pdf](#)
[Proposed Amendment to RAP 18.17-rw CLEAN.pdf](#)
[Proposed Amendment to RAP 18.17-rw CLEAN.doc](#)

From: Wynne, Roger [mailto:Roger.Wynne@seattle.gov]
Sent: Monday, August 24, 2020 12:36 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Lennon, Erin <Erin.Lennon@courts.wa.gov>
Subject: Proposed new RAP 18.17

Dear Justice Johnson, Chief Justice Stephens, and Associate Justices of the Supreme Court,

I applaud the proposal to amend the Rules of Appellate Procedure to set word limits in place of page limits and thank the workgroup for the significant effort to consider and draft the proposed amendments.

I learned long ago to treat editing as an act of friendship, both in the giving and receiving. In that spirit I would like to suggest stylistic edits to proposed RAP 18.17 to enhance consistency and clarity. Having drafted legislation for nearly two decades and chaired the WSBA Court Rules and Procedures Committee, I am perhaps overly attuned to such matters. But I believe strongly enough in the workgroup's mission that I think it best to offer my suggestions—picky though they may appear—to enhance the workgroup's proposal.

I am attaching two PDFs: a redlined version providing my rationale for most suggestions; and a clean version. I am also attaching a clean Word version.

I submit this input on my own behalf, not on behalf of my clients or colleagues.

Thank you for considering this, and thanks again to the workgroup for its proposal.

Sincerely,
Roger Wynne



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Assistant City Attorney
Land Use Section Director

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