RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)

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RALJ 1.1
SCOPE OF RULES

(a) Proceedings Subject to Rules. These rules establish the procedure, called appeal, for review by the superior court of a final decision of a court of limited jurisdiction, subject to the restrictions defined in this rule.

(b) These rules do not apply to the de novo review of a decision of a judge who is not admitted to the practice of law in Washington and do not apply to the de novo review on the record of a decision of a small claims court operating under RCW 12.40. The procedures for review of these decisions are set forth in CRLJ 73 and 75.

(c) Statutory Writs Retained. These rules do not supersede and do not govern the procedure for seeking review of a decision of a court of limited jurisdiction by statutory writ.

(d) Application to Civil and Criminal Proceedings. Each rule applies to both civil and criminal proceedings, unless a different application is intended.

(e) Superseding Effect of Rules. These rules supersede all statutes and rules covering the procedure for review in the superior court of a decision of a court of limited jurisdiction to which these rules apply, unless one of these rules specifically indicates to the contrary.

(f) Effect of Subsequent Legislation. If a statute in conflict with a rule is enacted after these rules become effective and that statute does not supersede the conflicting rule by direct reference to the rule by number, the rule applies unless the rule specifically indicates that statutes control. If a statute in conflict with a rule is enacted after these rules become effective and that statute does supersede the conflicting rule by direct reference to the rule by number, the statute applies until such time as the rule may be amended or changed by the Supreme Court through exercise of its rulemaking power.

[Amended effective October 30, 2001; September 1, 2004.]

RALJ 1.2
INTERPRETATION AND APPLICATION OF RULES

(a) Interpretation. These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits.

(b) Application of Rules. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules, except as provided in rules 10.2 and 10.3(c). A party's right to proceed further in an appeal may be conditioned on compliance with the terms of a sanction order under rule 10.1.

[Amended effective September 1, 2002.]

RULE 2.1
WHO MAY APPEAL

(a) Appeal. Only an aggrieved party may appeal.

(b) Cross Review. Cross review means review initiated by a respondent in an appeal. A party seeking cross review must file a notice of appeal within the time allowed by rule 2.5(c).

RALJ 2.2
WHAT MAY BE APPEALED

(a) Final Decision.

(1) A party may appeal from a final decision of a court of limited jurisdiction to which these rules apply under rule 1.1(a), except a decision in a mitigation hearing under RCW 46.63.100 and IRLJ 2.6(b), or a mitigation decision on written statement under IRLJ 2.6(c).

(2) For the purposes of these rules, a final decision includes (A) an order granting or denying a motion for new trial, reconsideration, or amendment of judgment, and (B) an order granting or denying arrest of a judgment in a criminal case.

(b) Amount in Controversy. Statutes control limitations on appeal based on the amount in controversy.

(c) Appeal by State or a Local Government in Criminal Case. The State or local government may appeal in a criminal case only from the following decisions of a court of limited jurisdiction and only if the appeal will not place the defendant in double jeopardy:

(1) Final Decision, Except Not Guilty. A decision which in effect abates, discontinues, or determines the case other than by a judgment or verdict of not guilty, including but not limited to a decision setting aside, quashing, or dismissing a complaint or citation and notice to appear, or a decision granting a motion to dismiss under CrRLJ 8.3(c).

(2) Pretrial Order Suppressing Evidence. A pretrial order suppressing evidence, if the trial court expressly finds that the practical effect of the order is to terminate the case.

(3) Arrest or Vacation of Judgment. An order arresting or vacating a judgment.

(4) New Trial. An order granting a new trial.

[Amended effective September 1, 2008.]

RULE 2.3
WHERE TO APPEAL--CHANGE OF VENUE

(a) Where To Appeal. A party must seek review of a decision in a criminal case in the superior court of the county in which the offense allegedly occurred if the court of limited jurisdiction from which the appeal is taken is located in a joint justice court district. In all other cases, a party must seek review in the superior court for the county in which the court of limited jurisdiction from which the appeal is taken is located.

(b) Change of Venue. If a party seeks review in the wrong superior court, the venue of the appeal shall be changed to the proper superior court on motion of a party or on the initiative of the superior court.

RULE 2.4
HOW TO INITIATE AN APPEAL

(a) Review Initiated by Filing Notice of Appeal. A party appealing a decision subject to these rules must file a notice of appeal in the court of limited jurisdiction within the time provided by rule 2.5. This is the only jurisdictional requirement for an appeal.

(b) Filing Fee. The first party to file a notice of appeal shall, at the time the notice is filed, pay the statutory filing fee to the clerk of the court of limited jurisdiction in which the notice is filed, unless the party filing the notice is excused from paying a filing fee by statute or by the constitution.

(c) Notice and Service. A party filing a notice of appeal shall immediately serve a copy of the notice on all other parties. The clerk of the court of limited jurisdiction shall immediately upon filing of a notice of appeal and payment of the filing fee, if required, file a copy of the notice with the superior court.

RULE 2.5
TIME ALLOWED TO INITIATE APPEAL BY FILING NOTICE

(a) Time Allowed To File Notice of Appeal. Except as provided in section (c), a notice of appeal must be filed within 30 days after the date of entry of the final decision which the party filing the notice seeks to appeal.

(b) Date of Entry Defined. If the final decision of the court of limited jurisdiction is oral and evidenced solely by a writing in the court record, the date of entry is the date the writing was placed in the record. If the final decision is by a writing signed by the court of limited jurisdiction, the date of entry is the date of delivery of the writing signed by the judge to the clerk for filing. If the decision is entered other than at a regularly scheduled and noticed hearing, the date of entry of the decision for a party is 3 days after the court of limited jurisdiction mails a notice to that party advising the party of both the courts decision and of the date that decision was written in the court record or the date that decision was delivered to the clerk for filing.

(c) Subsequent Notice by Other Parties. If a timely notice of appeal is filed by a party, any other party seeking relief from the decision must file a notice of appeal within the later of (1) 7 days after service of the notice of appeal filed by the other party, or (2) the time within which a notice of appeal must be filed as provided in section (a).

(d) Effect of Premature Notice of Appeal. A notice of appeal filed after the announcement of a decision but before entry of the final decision will be treated as filed on the day following entry of the decision.

RULE 2.6
CONTENT OF NOTICE OF APPEAL

(a) Content of Notice of Appeal Generally. A notice of appeal should (1) be titled "Notice of Appeal", (2) identify the party or parties appealing, (3) designate each decision which the party wants reviewed, (4) name the court to which the appeal is taken, (5) provide the identifying

material required by section (b), (6) state whether the case appealed is criminal (include charge description), civil, or an infraction, and (7) name the court and cause number from which the appeal is taken.

(b) Identification of Parties, Lawyers, and Address of Defendant in Criminal Case. The first party to file a notice of appeal should include on the notice the name and address of the lawyer for each of the parties represented by a lawyer and the address of parties who are not represented by counsel. If a defendant in a criminal case appeals, the notice of appeal shall include the defendant's address. The defendant in a criminal case must file a statement in the superior court and the court of limited jurisdiction indicating any changes in the defendant's address during the appeal.

(c) (Reserved.)

(d) (Reserved.)

(e) Multiple Parties Filing Notice of Appeal. More than one party may join in a single notice of appeal.

(f) Defects in Form of Notice of Appeal. The superior court will disregard defects in the form of a notice of appeal if the notice clearly reflects an intent by a party to seek review.

(g) Notice by Fewer Than All Parties on a Side--Joinder. If there are multiple parties on a side of a case and fewer than all of the parties on that side of the case timely file a notice of appeal, the superior court will grant relief only (1) to a party who has timely filed a notice, (2) to a party who has been joined as provided in this section, or (3) to a party if demanded by the necessities of the case. The superior court will permit joinder on appeal of a party who did not file a notice of appeal only if the party's rights or duties are derived through the rights or duties of the party who timely filed notice or if the party's rights or duties are dependent upon the superior court determination of the rights or duties of a party who timely filed a notice.

RULE 2.7

(RESERVED)

RULE 3.1

(RESERVED)

RULE 3.2
CHANGE OF SUPERIOR COURT JUDGE

(a) Without Cause. A party may disqualify one superior court judge without cause by filing an affidavit of prejudice in accordance with RCW 4.12.050.

(b) For Cause. A party may disqualify a superior court judge for cause as provided in RCW 4.12.040 for any grounds authorized by statute or decisional law.

(c) Waiver of Privilege To Change Judge. The privilege of a party to seek the change of a judge in superior court is waived if a party fails to seek a change of judge within 7 days after receipt of a notice of assignment, unless the ground for seeking a change of judge is a particular incident, conversation, or utterance by the judge which was not known to the party or to the party's attorney within the 7-day period.

RULE 4.1
AUTHORITY OF COURTS PENDING APPEAL

(a) Superior Court. After a notice of appeal has been filed, the superior court has authority to perform all acts necessary to secure the fair and orderly review of the case.

(b) Court of Limited Jurisdiction. After a notice of appeal has been filed, and while the case is on appeal, the court of limited jurisdiction has authority to act in a case only to the extent provided in these rules, unless the superior court limits or expands that authority in a particular case.

(c) Questions Relating to Indigency. The court of limited jurisdiction has authority to decide questions relating to indigency.

(d) Attorney Fees and Costs. When a party is entitled to an award of attorney fees or costs, the court of limited jurisdiction has authority to determine such an award for a party's efforts in the court of limited jurisdiction. A party may obtain review of a court of limited jurisdiction's decision on attorney fees or costs in the same review proceeding as that challenging the judgment without filing a separate notice of appeal.

[Amended effective September 1, 2006.]

RULE 4.2
ENFORCEMENT OF JUDGMENT

(a) Civil Case. A party may not enforce a civil judgment of a court of limited jurisdiction until 30 days after the entry of the judgment. Thereafter, a party may enforce the judgment in the court of limited jurisdiction unless enforcement is stayed as provided in Rule 4.3.

(b) Criminal Case. A sentence in a criminal case will be enforced by the court of limited jurisdiction if the defendant appeals and fails to stay enforcement of sentence as provided in rule 4.3(b).

(c) Statutes Control. Except as otherwise provided in these rules, statutes and other rules relating to enforcement of a judgment and a sentence are applicable.

RULE 4.3

STAY OF ENFORCEMENT OF JUDGMENT

(a) Civil Case. The superior court may stay enforcement of a judgment in a civil case after a notice of appeal has been filed. The superior court may impose the same conditions on the granting of a stay as those imposable on parties before the courts of appeals.

(b) Criminal Case. In a criminal case, the court of limited jurisdiction has authority, subject to RCW 9.95.062 and 9.95.064, to stay enforcement of the sentence pending appeal and to fix conditions of release. Where the sentence is stayed pending appeal, the court of limited jurisdiction has authority to revoke the stay upon proof of violation of the conditions of release.

Amended 12/02/99

RULE 5.1
RECORDING GENERALLY

(a) Generally. The proceedings in a court of limited jurisdiction shall be recorded by electronic means, unless the parties agree that some other form of record shall be prepared at the parties' own expense or that no record of the proceedings is necessary. This title applies to proceedings which are to be recorded by electronic means.

(b) Nonelectronic Record in Emergency. In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the courts expense, and in the event of an appeal, any necessary transcription of the nonelectronic record must be made at the courts expense.

RULE 5.2
STATEMENTS TO BE MADE ON THE RECORD

(a) Generally. At the beginning of the case, the judge of the court of limited jurisdiction shall state on the record the name and number of the case and the names of the attorneys for the parties who are represented by counsel. During the trial of the case, the judge shall state on the record or have stated on the record the names of any or all witnesses as they appear in the course of the proceeding.

(b) Decision, Findings, Conclusions. In all actions tried upon the facts without a jury or with an advisory jury the court shall state separately its findings of fact and conclusions of law. Judgment shall be entered pursuant to CRLJ 58 or CrRLJ 7.3 and may be entered at the same time as the entry of the findings of fact and the conclusions of law. If a written opinion or memorandum of decision is filed, it will be sufficient if formal findings of fact and conclusions of law are included.

RULE 5.3
LOG

The judge of the court of limited jurisdiction shall cause a written log to be maintained separate from the recording indicating the location on the electronic record of relevant events in the proceedings, including but not limited to the beginning of the proceeding, the beginning and ending of the testimony of each witness, the decision of the court, and the end of the proceeding.

RULE 5.4
LOSS OR DAMAGE OF ELECTRONIC RECORD

In the event of loss or damage of the electronic record, or any significant or material portion thereof, the appellant, upon motion to the superior court, shall be entitled to a new trial, but only if the loss or damage of the record is not attributable to the appellant's malfeasance. In lieu of a new trial, the parties may stipulate to a nonelectronic record as provided in rule 6.1(b). The court of limited jurisdiction shall have the authority to determine whether or not significant or material portions of the electronic record have been lost or damaged, subject to review by the superior court upon motion.

RALJ RULE 6.1
CONTENTS OF RECORD

(a) Generally. Except as provided in section (b), the record of proceedings in the court of limited jurisdiction for appeal shall include the original or a copy of the log prepared for the recording, and the originals or copies of the docket, pleadings, exhibits, orders, and other papers filed with the clerk of the court of limited jurisdiction.

(b) Agreed Record. The parties may agree to a form of record other than that provided by section (a), including but not limited to an agreed narrative report of the proceedings in the court of limited jurisdiction. An agreed form of record may be used only if approved by the court of limited jurisdiction.

RULE 6.2
TRANSMITTAL OF RECORD OF PROCEEDINGS

(a) Transmittal Generally. The party seeking review shall, within 14 days of filing the notice of appeal, serve on all other parties and file with the clerk of the court of limited jurisdiction a designation of those portions of the record that the party wants the clerk to transmit to the superior court. Any party may supplement the designation of the record

prior to or with the party's last brief. Thereafter, a party may supplement the designation only by order of the superior court, upon motion. Each party is encouraged to designate only documents and exhibits needed to review the issues presented to the superior court. Within 14 days after the designation is filed, the clerk of the court of limited jurisdiction shall prepare the record and notify each party that the record is ready to transmit and the amount to be paid by each party. Each party shall pay for the cost of preparing the portion of the record designated by that party within 10 days of the clerk's notification, unless the party has been excused from paying by the court. Promptly after receiving payment, or after preparing the record in cases where payment is excused, the clerk of the court of limited jurisdiction shall certify that the record is true and complete, transmit it to the superior court, and notify the parties that the record has been transmitted.

(b) Cumbersome Exhibits. The clerk of the court of limited jurisdiction shall notify the superior court of exhibits which are difficult or unusually expensive to transmit. The exhibits shall be transmitted only if the superior court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of exhibits.

RULE 6.3
COPY OF RECORDING FOR PARTIES

The clerk of the court of limited jurisdiction shall provide any party with a copy of all or part of the record of proceedings and the log for the record upon request and upon the payment of the actual expense for preparation of the requested copy.

RULE 6.3.1
TRANSCRIPT OF ELECTRONIC RECORD

(a) Transcript by Appellant. Unless the superior court orders otherwise, the appellant shall transcribe the electronic recording of proceedings as provided in section (c) of this rule. The transcript shall be filed and served with the appellant's brief.

(b) Transcript by Respondent. If the respondent wishes to add to or challenge the transcript of the recording of proceedings, the respondent shall file and serve an additional transcript with the respondent's brief.

(c) Content of Transcript. The transcript shall contain only those portions of the electronic recording necessary to present the issues raised on appeal. If the appellant intends to urge that a verdict or finding of fact is not supported by the evidence, the appellant shall include in the transcript all testimony relevant to the disputed verdict or finding. If the appellant intends to urge that the court erred in giving or failing to give an instruction, the appellant shall include all objections to the instructions given and refused and the court's rulings.

(d) Transcript Generally.

(1) Form. The transcript may be printed, typed, or neatly handwritten, and need not be certified by a notary public.

(2) Certification. The person preparing the transcript shall certify or declare under penalty of perjury that it is true and correct in accordance with RCW 9A.72.085 or any law amendatory thereof.

(3) Disputes. Disputes concerning the completeness or accuracy of the transcript shall be decided by the superior court.

(e) Additional Transcript. The superior court may order a party to prepare an additional transcript.

(f) No Transcript if Agreed Record. No transcript shall be required if the parties have agreed on a written form of record approved by the court of limited jurisdiction, pursuant to rule 6.1(b).

(g) Cost of Transcript. Any cost or expense in preparing a transcript shall be borne by the party providing it. The expense may be allowed as a cost in accordance with rule 9.3.

[Amended effective June 25, 2002]

RALJ 6.4

TRANSMITTAL OF RECORD OF PROCEEDINGS ON DISCRETIONARY REVIEW AND RETURN OF RECORD FOLLOWING TERMINATION OF APPEAL

When a party has filed a notice for discretionary review of the superior court decision, the record of proceedings and the transcript of the electronic record considered by the superior court on direct appeal shall be transmitted to the appellate court. Upon completion of the appeal and any subsequent proceedings for review by the Court of Appeals or Supreme Court, the superior court shall return to the court of limited jurisdiction the record of proceedings transmitted pursuant to RALJ 6.1(a). Transcripts provided pursuant to RALJ 6.3A shall not be returned to the court of limited jurisdiction.

[Amended effective September 1, 2002.]

RULE 7.1
GENERALLY

Each party shall file a brief. The superior court may order a party to

file additional briefs or may order that the requirement to file briefs be waived. An appellant may file a reply brief as a matter of right.

RULE 7.2
TIME FOR FILING BRIEFS

(a) Brief of Appellant. The brief of an appellant shall be served on all other parties and filed with the superior court within 45 days after filing of the notice of appeal with the superior court.

(b) Brief of Respondent. The brief of a respondent shall be served on all other parties and filed with the superior court within 30 days after service of the brief of appellant.

(c) Reply Brief. A reply brief shall be filed within 14 days of service of the brief to which it responds, or at such other time as the superior court orders. A reply brief shall be filed no later than 7 days before the day set for argument by the superior court.

(d) Briefing Schedule. If an appeal is preassigned to a judicial department, the court may issue a briefing schedule that allows for complete presentation of all significant issues, and is consistent with the Advisory Case Processing Time Standards endorsed by the Board for Judicial Administration.

[Amended December 5, 2002]

RULE 7.3.
FORMAT OF BRIEFS

(a) Typing or Printing Brief. All briefs shall conform to the requirements of GR 14. In addition, the text of any brief typed or printed in a proportionally spaced typeface must appear in print as 12 point or larger type with no more than 10 characters per inch and double-spaced. The same typeface and print size should be standard throughout the brief, except that footnotes may appear in print as 10 point or larger type and be the equivalent of single-spaced. Quotations may be the equivalent of single-spaced. Except for materials in an appendix, the typewritten or printed material in the brief may not be reduced or condensed by photographic or other means.

(b) Length of Brief. The briefs of appellant and respondent filed pursuant to RALJ 7.2(a) and (b) shall not exceed 18 pages. Reply briefs filed pursuant to RALJ 7.2(c) shall not exceed 6 pages. For the purpose of determining compliance with this rule, appendices are not included. For good cause, the court may grant a motion to file an over-length brief.

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

[Adopted effective September 1, 2005; September 1, 2007.]

RULE 8.1

WHO MAY PRESENT ARGUMENT

A party of record who has failed to file a brief may present oral argument only with leave of court.

RULE 8.2
POSTPONEMENT OF ARGUMENT

The superior court may postpone the time set for oral argument for reasonable cause.

RULE 8.3
TIME ALLOWED AND ORDER OF ARGUMENT

Each side shall be allowed 10 minutes for oral argument, or longer if ordered by the superior court. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the court.

RULE 8.4.
WAIVER OF ORAL ARGUMENT

The parties may, at any time, agree to waive oral argument and submit the matter for consideration by the court on the briefs that have been submitted. The court may, on its own initiative, direct that there be no oral argument, once it has received the brief of appellant and the brief of respondent.

[Adopted effective September 1, 2005]

RULE 9.1
BASIS FOR DECISION ON APPEAL

(a) Errors of Law. The superior court shall review the decision of the court of limited jurisdiction to determine whether that court has committed any errors of law.

(b) Factual Determinations. The superior court shall accept those factual determinations supported by substantial evidence in the record (1) which were expressly made by the court of limited jurisdiction, or (2) that may reasonably be inferred from the judgment of the court of limited jurisdiction.

(c) {Reserved.}

(d) Final Judgment Not Designated in Notice. The superior court will review a final judgment not designated in the notice of appeal only if the notice designates an order deciding a timely posttrial motion based on (1) CrRLJ 7.4 (arrest of judgment), (2) CrRLJ 7.5 (new trial), or (3) CRLJ 59 (new trial, reconsideration, and amendment of judgments).

(e) Disposition on Appeal Generally. The superior court may reverse, affirm, or modify the decision of the court of limited jurisdiction or remand the case back to that court for further proceedings.

(f) Limitation on Modification of Sentence. The superior court shall not modify the sentence imposed in a criminal case unless the sentence is incorrect as a matter of law.

(g) Form of Decision. The decision of the superior court shall be in writing and filed in the clerks office with the other papers in the case. The reasons for the decision shall be stated.

(h) Discretionary Review. The decision of the superior court on appeal is subject to discretionary review pursuant to RAP 2.3(d).

(Amended 11/7/95)

RALJ 9.2
ENTRY OF DECISION AND ENFORCEMENT OF JUDGMENT

(a) Entry of Decision In Superior Court. The decision of the superior court shall be entered immediately after it is signed by the judge, and shall be deemed entered for all procedural purposes from the time of delivery to the superior court clerk for filing.

(b) Transmittal of Superior Court Mandate. The clerk of the superior court shall transmit written notification of the superior court's decision to the court of limited jurisdiction and to each party not earlier than 30 days nor later than 60 days from the filing of the decision in superior court, unless a party files a timely notice for discretionary review.

(c) Entry of Decision in Court of Limited Jurisdiction. The court of limited jurisdiction shall comply with the mandate of the superior court and shall enter the judgment for enforcement in the court of limited jurisdiction.

(d) Enforcement of Judgment in Court of Limited Jurisdiction. Except as otherwise provided in these rules,

enforcement of a judgment following termination of appeal shall be in the court of limited jurisdiction.

(e) Registration of Judgment in Superior Court. A judgment entered in the court of limited jurisdiction may be registered and enforced in the superior court as authorized by law.

[Amended effective November 7, 1995; amended effective September 1, 2002.]

RULE 9.3
COSTS

(a) Party Entitled to Costs. The party that substantially prevails on appeal shall be awarded costs on appeal. Costs will be imposed against a party whose appeal is involuntarily dismissed. Costs will be awarded in a case dismissed by reason of a voluntary withdrawal of an appeal only if the superior court so directs at the time the order is entered permitting the voluntary withdrawal of the appeal.

(b) How Claimed. Costs must be claimed by serving a cost bill on all parties and filing it in the superior court within 10 days after entry of the superior court decision on the appeal. The party should itemize each item of expense claimed in the cost bill.

(c) Expenses Allowed as Costs. Only the reasonable expenses actually incurred by a party for the following items which were reasonably necessary for review may be awarded to a party as costs: (1) statutory attorney fees allowed for a superior court nonjury trial, (2) the superior court filing fee, (3) the expense of obtaining a copy of the record of proceedings and the log for the record as provided in rule 6.3, (4) the cost of preparing the transcript as required by rule 6.3A, (5) the expense of bonds given in connection with the appeal, and (6) such other sums as provided by statute.

(d) Objections to Costs Claimed. A party may object to items in the cost bill of another party by serving on all parties and filing with the superior court objections to the cost bill within 10 days after service of the cost bill upon the party.

(e) Award of Costs. The superior court judge who decided the appeal shall be informed by the parties if a dispute arises over costs. The judge shall decide the dispute promptly after learning of it, without oral argument unless the judge otherwise directs.

(f) Judgment for Costs. The costs claimed by a party shall be deemed awarded unless another party files and serves written objections within the time provided by section (d). The clerk of the superior court shall transmit a copy of the cost bill and any superior court decision allowing costs to the court of limited jurisdiction and a copy of the decision to each party. The costs awarded to a party shall become a part of any judgment entered under rule 9.2(c).

(g) Reasonable Attorney Fees. A request for reasonable attorney fees should not be made in the cost bill. The request should be made as provided in rule 11.2.

[Amended effective November 25, 2003.]

RULE 10.1
VIOLATION OF RULES GENERALLY

The superior court on its own initiative or on motion of a party may order a party or counsel who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms of compensatory damages to any other party who has been harmed by the delay or the failure to comply. The superior court may condition a party's right to participate further in the appeal on compliance with the terms of a sanction order, including an order directing payment of an award by a party. If an award is not paid within the time specified by the superior court, the superior court shall direct the entry of a judgment in accordance with the award.

RULE 10.2
DISMISSAL OF APPEAL

(a) Involuntary Dismissal. The superior court will, on motion of a party or on its own motion after 14 days' notice to the parties, dismiss an appeal of the case (1) except as provided in rule 10.3(c)(1), for failure to timely file a notice of appeal, or (2) for want of prosecution if the party appealing has abandoned the appeal. Unless good cause is shown, an appeal will be deemed abandoned if there has been no action of record for 90 days.

(b) [Reserved.]

(c) Voluntary Withdrawal of Appeal. The superior court may, in its discretion, dismiss an appeal on stipulation of all the parties and, in criminal cases, the written consent of the defendant. The superior court may, in its discretion, dismiss an appeal on the motion of a party who has filed a notice of appeal.

[Amended effective November 25, 2003.]

RULE 10.3
EXTENSION AND REDUCTION OF TIME

(a) Generally. The superior court may, on its own initiative or on motion of a party, enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice, subject to the restrictions in section (c).

(b) Procedure for Motion. A party moving to extend or reduce time shall file a written motion with the Superior Court and serve it upon all non-moving parties. the motion shall state (1) the date the act is scheduled or required to occur; (2) the new date requested; and (3) the specific reasons for the motion. The motion shall be considered without oral argument unless called for by the superior

court. A non-moving party may respond to the motion in writing. A response must be filed with the superior court and served upon the moving party within five days after service of the motion to extend or reduce time.

(c) Restrictions on Extension of Time.

(1) The superior court will only in extraordinary circumstances and to prevent a gross miscarriage of justice extend the time within which a party must file a notice of appeal. The superior court will ordinarily hold that the desirability of finality of decisions outweighs the privilege of a litigant to obtain an extension of time under this section. A motion to extend time is determined by the superior court to which the untimely notice of appeal is directed.

(2) The superior court will not enlarge the time provided in rule 9.2 within which the superior court enters and transmits its decision.

(d) Terms. The remedy for violation of these rules is set forth in rule 10.1. The superior court may condition the exercise of its authority under this rule by imposing terms as provided in rule 10.1.

RULE 11.1
REVIEW OF DECISIONS OF A COURT OF LIMITED JURISDICTION ON MATTERS OF APPELLATE PROCEDURE

A party may object to and obtain review of a decision of a court of limited jurisdiction on matters of appellate procedure, including but not limited to enforcement of a judgment or sentence, by motion in the superior court.

RULE 11.2
LAWYER'S FEES AND EXPENSES

(a) Generally. If applicable law grants to a party the right to recover reasonable lawyer'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 lawyer'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.

RULE 11.3
TITLE OF CASE

The title of the case in the superior court shall be the same as in the court of limited jurisdiction unless otherwise ordered by the court.

RULE 11.4
EFFECT OF REVERSAL ON INTERVENING RIGHTS

If a party has voluntarily or involuntarily partially or wholly satisfied a judgment of a court of limited jurisdiction which is modified by the superior court on appeal, the superior court shall enter orders and authorize the issuance of process appropriate to restore to the party any property taken from that party, or the value of the property. An interest in property acquired by a purchaser in good faith, under a judgment subsequently reversed or modified, shall not be affected by the reversal or modification of that judgment.

RULE 11.5
FORMS

A person may use any form which substantially complies with these rules.

RULE 11.6
SERVICE, FILING, AND SIGNING OF PAPERS

CR 5 and CrR 8.4 apply to the service and filing of papers under these rules. None of the papers required by these rules to be served are original process. All briefs and motions signed by an attorney shall include the attorneys Washington State Bar Association membership number in the signature block.

RULE 11.7
APPLICATION OF OTHER COURT RULES

(a) Civil Rules. The following Superior Court Civil Rules are applicable to appellate proceedings in civil cases in the superior court when not in conflict with the purpose or intent of these rules and when

application is practicable: CR 1 (scope of rules), CR 2A (stipulations), CR 6 (time), CR 7(b) (form of motions), CR 11 (signing of pleadings), CR 25 (substitution of parties), CR 40(a)(2) (notice of issues of law), CR 42 (consolidation; separate trials), CR 46 (exceptions unnecessary), CR 54(a) (judgments and orders), CR 60 (relief from judgment or order), CR 71 (withdrawal by attorney), CR 77 (superior courts and judicial officers), CR 78 (clerks), CR 79 (books and records kept by the clerk), CR 80 (court reporters), and CR 83 (local rules of superior court).

(b) Criminal Rules. The following Superior Court Criminal Rules are applicable to appellate proceedings in criminal cases in the superior court when not in conflict with the purpose or intent of these rules and when application is practicable: CrR 1.1 (scope), CrR 1.2 (purpose and construction), CrR 1.4 (prosecuting attorney definition), CrR 3.1 (right to and assignment of counsel), CrR 7.1 (sentencing), CrR 7.2 (presentence investigation), CrR 8.1 (time), CrR 8.2 (motions), CrR 8.5 (calendars), CrR 8. 6 (exceptions unnecessary), CrR 8.7 (objections), and CrR 8.8 (discharge).

(c) Civil Rules for Courts of Limited Jurisdiction. The following Civil Rules for Courts of Limited Jurisdiction are applicable to appellate proceedings in civil cases in the court of limited jurisdiction when not in conflict with the purpose or intent of these rules and when application is practicable: CRLJ 5 (service and filing), CRLJ 6 (time), CRLJ 7(b) (motions), CRLJ 8 (general rules of pleading), CRLJ 10 (form of pleadings), CRLJ 11 (verification and signing of pleadings), CRLJ 25 (substitution of parties), CRLJ 40(b) (disqualification of judge), and CRLJ 60 (relief from judgment or order).

(d) Criminal Rules for Courts of Limited Jurisdiction. The following Criminal Rules for Courts of Limited Jurisdiction are applicable to appellate proceedings in criminal cases in the court of limited jurisdiction when not in conflict with the purpose or intent of these rules and when application is practicable: CrRLJ 1.7 (local court rules--availability), CrRLJ 1.5 (style and form), CrRLJ 3.1 (right to and assignment of lawyer), CrRLJ 8.9 (disqualification of judge), CrRLJ 8.9(c) (disqualification of judge--transfer), CrRLJ 7.8(a) (clerical mistakes), CrRLJ 8.1 (time), and CrRLJ 8.2 (motions). (Editorial Note: Effective September 1, 1987, Justice Court Criminal Rules (JCrR) were retitled Criminal Rules for Courts of Limited Jurisdiction (CrRLJ). Effective September 1, 1989, Justice Court Civil Rules (JCR) were retitled Civil Rules for Courts of Limited Jurisdiction (CRLJ).)

RULE 11.8
LOCAL COURT RULES--AVAILABILITY

Courts to which these rules apply may adopt in accordance with GR 7 such local rules not inconsistent with these general rules as they may deem necessary for their respective courts. The court, upon the adoption of such rules, shall keep a copy of them readily available for inspection.

RULE 11.9
TITLE AND CITATION OF RULES

These rules shall be known and cited as the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. RALJ is the official abbreviation.