RULE 4.2
DIRECT REVIEW OF SUPERIOR COURT DECISION BY SUPREME COURT

(a) Type of Cases Reviewed Directly. A party may seek review in the Supreme Court of a decision of a superior court which is subject to review as provided in Title 2 only in the following types of cases:

(1) Authorized by Statute. A case in which a statute authorizes direct review in the Supreme Court;

(2) Law Unconstitutional. A case in which the trial court has held invalid a statute, ordinance, tax, impost, assessment, or toll, upon the ground that it is repugnant to the United States Constitution, the Washington State Constitution, a statute of the United States, or a treaty;

(3) Conflicting Decisions. A case involving an issue in which there is a conflict among decisions of the Court of Appeals or an inconsistency in decisions of the Supreme Court;

(4) Public Issues. A case involving a fundamental and urgent issue of broad public import which requires prompt and ultimate determination;

(5) Action against State Officer. An action against a state officer in the nature of quo warranto, prohibition, injunction, or mandamus;

(6) Death Penalty. A case in which the death penalty has been decreed.

(b) Procedure for Seeking Direct Review. A party seeking direct review of a superior court decision in the Supreme Court must file a notice of appeal or notice of discretionary review directed to the Supreme Court. Within 15 days after filing the notice of appeal or notice for discretionary review, the party seeking direct review must serve on all other parties and file in the Supreme Court a statement of grounds for direct review in the form provided in section (c).

(c) Form of Statement of Grounds for Direct Review. The statement should be captioned "Statement of Grounds for Direct Review," contain the title of the case as provided in rule 3.4, conform to the formatting requirements of rule 10.4(a), and contain under appropriate headings and in the order here indicated:

(1) Nature of the Case and Decision. A short statement of the substance of the case below and the basis for the superior court decision;

(2) Issues Presented for Review. A statement of each issue the party intends to present for review; and

(3) Grounds for Direct Review. The grounds upon which the party contends direct review should be granted.

The statement of grounds for direct review should not exceed 15 pages, exclusive of appendices and the title sheet.

(d) Answer to Statement of Grounds for Direct Review. A respondent may file an answer to the statement of grounds for direct review. In an appeal, the answer should be filed within 14 days after service of the statement on respondent. In a discretionary review, the answer should be filed with any response to the motion for discretionary review. The answer should conform to the formatting requirements of rule 10.4(a). The answer should not exceed 15 pages, exclusive of appendices and the title sheet.

(e) Effect of Denial of Direct Review.

(1) Appealable Decision. If the Supreme Court denies direct review of a superior court decision appealable as a matter of right, the case will be transferred without prejudice and without costs to the Court of Appeals for determination.

(2) Discretionary Review. A motion for discretionary review in the Supreme Court of a superior court decision may be granted, denied, or transferred to the Court of Appeals for determination. If the Supreme Court denies a motion for discretionary review of a superior court decision, the moving party may not file the same motion in the Court of Appeals.

[Amended effective September 1, 2010]