

RAP RULE 16.16  
QUESTION CERTIFIED BY FEDERAL COURT

(a) Generally. The Supreme Court may entertain a petition to determine a question of law certified to it under the Federal Court Local Law Certificate Procedure Act if the question of state law is one which has not been clearly determined and does not involve a question determined by reference to the United States Constitution. Certificate procedure is the means by which a federal court submits a question of Washington law to the Supreme Court. This rule provides the procedure for implementing RCW 2.60.

(b) Caption of Pleadings and Briefs Filed in Supreme Court. The caption of the case should be:

CERTIFICATION FROM (ORIGINATING  
UNITED STATES COURT)  
IN  
(Title of Action)

(c) Filing. The cause shall be filed, indexed, and numbered in the same manner as an appeal to the Supreme Court.

(d) Record. The record shall be certified by the federal court as required by statute.

(e) Briefs.

(1) Procedure. The federal court shall designate who will file the first brief. The first brief should be filed within 30 days after the record is filed in the Supreme Court. The opposing party should file the opposing brief within 20 days after receipt of the opening brief. A reply brief should be filed within 10 days after the opposing brief is served. The briefs should be served in accordance with rule 10.2. The time for filing the record, the supplemental record, or briefs may be extended for cause.

(2) Form and Reproduction of Briefs. Briefs should be in the form provided by rules 10.3 and 10.4. Briefs will be reproduced by the clerk in accordance with rule 10.5.

(f) Costs. The cost provisions of Title 14 are applicable except that both parties must file a cost bill, and that the commissioner or clerk will not award costs but will divide the total costs equally between the parties.

(g) Finality of Opinion. The opinion of the Supreme Court is certified to the federal court at the time a mandate would issue as provided in rule 12.5. The certification by the clerk states that the opinion is in answer to the question of Washington law submitted.

References

RCW 2.60, Federal Court Local Law Certificate Procedure Act.

[Amended effective September 1, 2006.]

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