

RAP 5.4
FILING AND SERVICE OF NOTICE

(a) Filing of Notice by Clerk of Trial Court. The clerk of the trial court shall within 14 days of the filing of a notice of appeal or notice for discretionary review file a copy of the notice along with any proof or affidavit of service filed for the notice with the appellate court designated in the notice and notify that court whether the filing fee has been paid. The clerk shall indicate on the notice in the clerk's file, or on a separate paper, the date the notice and proof of service, if applicable, was mailed to the appellate court. In a case where a defendant is not represented by counsel at trial, the clerk shall also transmit the designated appellate court a copy of the judgment and sentence, order of indigency, if applicable, and any service documents. Failure by the clerk to file the notice with the appellate court has no effect on the rights of any party to review.

(b) Service of Notice by Party. The party filing the notice of appeal or notice for discretionary review shall on the same day serve a copy of the notice on each party of record and file a copy of proof of service with the appellate court designated in the notice. Failure to serve a party with notice or file proof of service does not prejudice the rights of the party seeking review, but may subject the party to a motion by the clerk of the appellate court to dismiss the appeal if not cured in a timely manner. A party prejudiced by the failure to serve the notice or to file the proof of service may move in the appellate court for appropriate relief.

[Adopted effective July 1, 1976; Amended effective September 1, 1994; September 1, 1998; September 1, 2014.]