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**King County**

Office of the Prosecuting Attorney  
CRIMINAL DIVISION - Appellate Unit  
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Honorable Ronald Carpenter  
Temple of Justice  
Post Office Box 40929  
Olympia, Washington  
98504-0929

April 30, 2014

Re: Proposed Changes to RAP 10.2

Dear Clerk Carpenter:

This letter comments on the proposed changes to RAP 10.2, regarding the timing of filing amicus briefs.

As chair of the appellate unit of the King County Prosecuting Attorney's Office for the last fourteen years, I have both filed and responded to numerous amicus briefs.

When I file an amicus brief, I am happy to have as much time as possible to prepare a brief. When I respond to an amicus brief, I am often frustrated that the brief arrives so near argument, and that precious time is consumed responding to the brief on very short notice. It has been my perception that amicus brief that arrive late in the process cannot be fully responded to. Such briefs also frequently raise issues beyond the scope of review, and it is difficult to litigate the propriety of those issues in fewer than 30 days.

It seems to me that the existing proposal strikes the best balance between the need of amici to prepare its brief, the need of this Court to assimilate that information, and the need of the parties to respond.

This Court could bring greater clarity to the process, however, by making the administrative decision to clearly indicate on its website, on a case-by-case basis, the expected due dates for any amicus briefing.

For these reasons, I recommend that the Court's proposal for amending RAP 10.2 be adopted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Whisman".

James M. Whisman, WSBA #19109  
Senior Deputy Prosecuting Attorney  
King County Prosecuting Attorney's Office