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Subject: FW: Comment on Proposed Changes to RAP 10.2
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From: Joshua Trumbull <josh@wellstrumbull.com>
Sent: Wednesday, January 8, 2025 11:38 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Changes to RAP 10.2

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Hello,

I am writing to express my concerns about the proposed amendment to RAP 10.2, which would extend the timeline for filing an opening brief (https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6200). While I appreciate the Rules Committee's efforts to improve the appellate process, I strongly believe this amendment should not be adopted.

The recent amendment to RAP 18.8, effective October 1, 2024, already provides an automatic 30-day extension for filing an opening brief. This streamlined mechanism ensures parties have adequate time to prepare without unnecessarily prolonging the process. Adding additional time on top of this automatic extension is unnecessary and counterproductive.

In practice, many appellate attorneys frequently seek multiple extensions at each stage of briefing, which already contributes to significant delays. Under the proposed amendment, appellants would effectively have 45 extra days to file their opening brief—15 additional days under RAP 10.2 plus the 30-day automatic extension. This doubles the 45-day filing period currently provided under the existing RAP 10.2. Such an expansion is unwarranted and risks further delaying justice for all involved parties.

The Rules Committee references the 60-day filing deadline for respondents in criminal appeals as justification, but this analogy is not persuasive. The extended timeline for criminal respondents primarily addresses the unique challenges faced by the State, which often handles an overwhelming caseload. Any adjustment to filing deadlines for criminal cases should be carefully tailored to address those specific circumstances and should not be applied broadly to civil appeals.

As a lawyer handling civil appeals—primarily those arising from personal injury cases—I see firsthand how these delays impact individuals and families. My clients are often everyday people who have already endured the hardship of litigation and the stress of trial. While interest may accrue on judgments during appeals, the emotional toll and uncertainty of a prolonged appellate process—especially the potential for retrial—create undue harm.

The current framework, which includes the 30-day streamlined extension in RAP 18.8, is sufficient to address legitimate timing concerns. For situations requiring additional time, parties still have the ability to request further extensions with appropriate justification.

For these reasons, I urge the Court to reject the proposal to extend the deadline for filing opening briefs. We should prioritize an efficient appellate process that balances fairness with the need to bring timely resolution to cases.

Thank you for considering this perspective.

Sincerely,

Joshua B. Trumbull, JD, MBA



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