

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENTS TO RAP 18.17— WORD)
LIMITATIONS, PREPARATION, AND FILING OF)
DOCUMENTS SUBMITTED TO THE COURT OF)
APPEALS AND SUPREME COURT)
_____)
)
)

ORDER

NO. 25700-A-1582

The Washington State Court of Appeals’ Rules Committee, having recommended the suggested amendments to RAP 18.17— Word Limitations, Preparation, and Filing of Documents Submitted to the Court of Appeals and Supreme Court, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2025.

(b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2025. Comments may be sent to the following

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addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov.

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 11th day of July, 2024.

For the Court


González, C.J.

GR 9 COVER SHEET
Suggested Amendment
Rules of Appellate Procedure
Rule 18.17

A. Proponent: Washington State Court of Appeals Rules Committee

B. Spokesperson: Judge Bradley Maxa, Chair

C. Purpose: The proposed amendment to RAP 18.17 seeks to provide guidance to attorneys and the courts as to when overlength filings are appropriate. Currently the rule provides only that “All documents filed with the appellate court should conform to the following length limitations *unless the appellate court has granted permission to file an overlength document.*” RAP 18.17(c) (emphasis added). The emphasized language encourages parties to seek leave to file overlength briefing and motions without providing any guidance on when it will be granted. Most courts disfavor overlength briefing and seek to allow it only when truly necessary. Excessive briefing without good cause requires the unreasonable expenditure of judicial resources. But some cases may require more, such as those with long procedural histories, multiple parties, multiple significant issues, or some combination of factors.

The proposed new subsection (d) provides guidance by expressly stating that overlength briefing is disfavored and that the rules already contemplate complex cases and those with a length record. The rule requires the parties to show more, and to show that they have created a proposed brief that is concisely edited.

New subsection (d)(2) simply automatically grants a respondent leave to file as long of a brief as was already allowed for an overlength appellant’s brief.

D. Hearing: Not requested.

E. Expedited Consideration: Not requested.

F. Supporting Material: Suggested rule amendment.

RAP 18.17

WORD LIMITATIONS, PREPARATION, AND FILING OF DOCUMENTS SUBMITTED TO THE COURT OF APPEALS AND SUPREME COURT

...

(c) Length Limitations. All documents filed with the appellate court should conform to the following length limitations unless the appellate court has granted permission to file an overlength document. The following length limitations are expressed as word limitations for documents produced using word processing software and as page limitations for documents produced by typewriter or written by hand. The word limitations exclude words in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits).

...

(d)(1) Motions for Overlength Filings. Overlength motions and briefs are disfavored. The specified length limits in RAP 18.17(c) already anticipate complex appeals and those with significant records. Requests to exceed the length limitations must be based on a showing of due diligence, concise editing, and compelling need. A motion for permission to exceed the applicable page or type-volume limits must be filed on or preferably before the filing's due date and shall be accompanied by a single copy of the overlength document that the applicant proposes to file.

(2) Automatic Allowance. If the court allows an overlength appellant's brief under RAP 18.17(d)(1) above, any corresponding response brief is automatically permitted to be of equivalent length.