

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUGGESTED)
AMENDMENTS TO RALJ 6.4—TRANSMITTAL)
OF RECORD OF PROCEEDINGS ON)
DISCRETIONARY REVIEW AND RETURN OF)
RECORD FOLLOWING TERMINATION OF)
APPEAL)
)
)
)

ORDER

NO. 25700-A-1663

The Court of Appeals Executive Committee, having recommended the suggested amendments to RALJ 6.4—Transmittal of Record of Proceedings on Discretionary Review and Return of Record Following Termination of Appeal, and the Court having approved the suggested amendments for publication on an expedited basis;

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 expeditiously for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(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 February 1, 2026. Comments may be sent to the

Page 2

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following 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 8th day of October, 2025.

For the Court


CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
SUGGESTED AMENDMENT TO RALJ 6.4

1. Proponent: Court of Appeals Executive Committee
2. Spokesperson & Contact Info: Judge Janet Chung, Court of Appeals Rules Committee Chair
3. Purpose of Suggested Rule Amendment: After a party files a notice for discretionary review of a superior court decision, the current RALJ rule is not sufficiently clear as to what record the superior court is required to transmit to the Court of Appeals and the timing of such transmission. The lack of clarity has resulted in confusion and inconsistency in the materials transmitted to the Court of Appeals. For example, parties sometimes attach appendices to their motions for discretionary review and responses and refer to their appendices as opposed to the record already created for an appeal in the superior court.

The proposed amendment seeks to clarify what the superior court is required to transmit to the Court of Appeals and when. The amendment aims to ensure the superior court's timely transmittal of the record and improve the parties' ability to properly refer to the record in their pleadings to the Court of Appeals.

The proposed amendment will also clarify the language as to what materials the Court of Appeals or the Supreme Court should return to the superior court and to the court of limited jurisdiction after review.

4. Is expedited consideration requested? Yes.
5. Is a public hearing recommended? No.

RALJ 6.4

TRANSMITTAL OF RECORD OF PROCEEDINGS ON DISCRETIONARY REVIEW AND RETURN OF RECORD FOLLOWING TERMINATION OF APPEAL

When a party has filed a notice for discretionary review of the superior court decision, the record of proceedings and the transcript of the electronic record considered by the superior court on direct appeal shall be transmitted to the appellate court. superior court clerk shall, within ten days, transmit to the Court of Appeals (1) the superior court file and (2) the record of the court of limited jurisdiction proceeding that was considered by the superior court, including any exhibits and transcript or audio/video recording of any hearing. To the extent the party seeking review wishes to provide additional documents such as the transcript of the superior court hearing, the party may do so by attaching them in an appendix to their motion or answer pursuant to RAP 17.3(b)(8).

Upon completion of the appeal and any subsequent proceedings for review by the Court of Appeals or Supreme Court, the superior court shall return to the court of limited jurisdiction the record of proceedings transmitted pursuant to RALJ 6.1(a). Transcripts provided pursuant to RALJ 6.3A shall not be returned to the court of limited jurisdiction. discretionary review by the Court of Appeals or any further review by the Supreme Court, the Court of Appeals or the Supreme Court will return to the superior court any physical record, including exhibits, for return to the court of limited jurisdiction. The Court of Appeals or the Supreme Court will also return any physical superior court file to the superior court.