

DISCRETIONARY REVIEW OF INTERLOCUTORY DECISION

(a) How To Seek Review. A party seeking review by the Supreme Court of an interlocutory decision of the Court of Appeals must file a motion for discretionary review in the Court of Appeals within 30 days after the decision is filed. If the Court of Appeals decision is in the form of an opinion and a motion to publish is timely filed, the motion for discretionary review should be filed within 30 days after an order deciding the motion to publish is filed. If the Court of Appeals decision is subject to a motion for reconsideration under RAP 12.4 and a motion for reconsideration is timely filed, the motion for discretionary review should be filed within 30 days after an order deciding the motion for reconsideration is filed.

(b) Considerations Governing Acceptance of Review. Discretionary review of an interlocutory decision of the Court of Appeals will be accepted by the Supreme Court only:

(1) If the Court of Appeals has committed an obvious error which would render further proceedings useless; or

(2) If the Court of Appeals has committed probable error and the decision of the Court of Appeals substantially alters the status quo or substantially limits the freedom of a party to act; or

(3) If the Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a trial court or administrative agency, as to call for the exercise of revisory jurisdiction by the Supreme Court.

(c) Motion Procedure. The procedure for and the form of the motion for discretionary review is as provided in Title 17. A motion for discretionary review under this rule, and any response, should comply with the reformatting requirements and length limitations of RAP 18.17.

(d) Effect of Denial. Denial of discretionary review of a decision does not affect the right of a party to obtain later review of the Court of Appeals decision or the issues pertaining to that decision.

References

Form 3, Motion for Discretionary Review.

[Adopted effective July 1, 1976; Amended effective September 1, 1990; December 8, 2015; September 1, 2021; October 1, 2024.]