

**RAP 16.21**  
**CLERK'S CONFERENCE IN CAPITAL CASES**

**(a) Application of Rule.** This rule applies only in direct appeals in criminal cases.

**(b) Clerk's Conference.** Upon receipt of the notice of appeal in a capital case by the Supreme Court, the clerk of the court shall set a clerk's conference. The clerk of the court shall give notice to the parties of the date, time, and place of the conference; the name of the commissioner or clerk who will conduct the conference; and the nature of the issues to be discussed at the conference. The convening of a clerk's conference shall not stay the requirements otherwise established by these rules. The clerk may continue a conference or convene another conference when necessary to establish procedures in the case.

**(c) Attendance at Clerk's Conference.** The attorneys for each party, if the notice requires it, shall attend the clerk's conference on the date, time, and place specified in the clerk's notice. Those in attendance should be ready to seriously consider the procedural issues attendant upon the case, including, but not limited to, settlement of the record, the briefing schedule, the length limitations for briefs, oral argument, and other matters which may promote the prompt and fair disposition of the appeal.

**(d) Clerk's Conference Order.** If, as a result of the clerk's conference, the parties agree to various matters to promote the prompt and fair disposition of the appeal, the Court may enter an order consistent with that agreement. If the parties fail to agree on any issue, the court will resolve the issues and enter an order. The order is binding on the parties during the review proceeding, unless the court otherwise directs on its own initiative or on motion of a party for good cause shown and on those terms the court deems appropriate.

[Adopted effective December 30, 1997; Amended effective September 1, 2021.]