

PREFACE

These pocket parts bring the Rules Practice volumes of Washington Practice—Volumes 2, 2A, 3, 3A, 4, 4A, and 4B—up to date.

Rule amendments are current through January 1, 2026; case annotations are current through 580 P.3d (December 2025).

As a result of the COVID-19 pandemic, the use of electronic records, remote trials, and remote appearances became commonplace, and some of the procedures implemented on an emergent basis during the pandemic have now been adopted on a permanent basis. Amendments to state court rules and developments of note will of course be addressed in these volumes, but practitioners should always consult local rules.

The past year brought a large number of rule amendments, as well as an ever-expanding body of case law interpreting the rules. Approximately 59 rule amendments are covered in this update. In addition to rule amendments, the appellate courts issued decisions that may significantly impact future caselaw. Some of the more significant developments in the past year include the following:

General Rules (GR)

- New caselaw continues to interpret and apply GR 37 (Jury Selection), and clarify that application of the rule is not limited to jurors who appear to be of racial or ethnic minorities.
- GR 14 Appendix 1 was amended, to incorporate changes to citation formats and rule sets.

Admission and Practice Rules (APR)

- APR 3 was amended several times. The qualifications for lawyer admission by motion were changed, as were the processes for admission of a military spouse by motion; other minor amendments were made as well.
- Other APRs were amended to permit administration of the oath by remote means, eliminate the requirement for designation of a resident agent for those whose address of record is not a physical street address, and distinguish between mandatory and discretionary suspensions.

Rules of Professional Conduct (RPC)

- Various RPCs were amended to permit lawyers to share a portion or percentage of a fee with lawyer referral services that have qualified for 501(c)(3) treatment.

- Other RPCs were amended to address potential conflicts for lawyers in government law offices representing separate government agencies.

Rules of Appellate Procedure (RAP)

- The Supreme Court held that RAP 2.3(b)(3), which allows for discretionary review if the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an inferior court or administrative agency, that review or revision is necessary, applies to both procedural and substantive irregularities.
- The author's commentary and casenotes following RAP 3.1 include several new cases addressing the concept of standing.
- In an interesting case involving RAP 7.3 and the authority of the appellate court, the Court upheld the Court of Appeals' decision allowing the mother of a homicide victim to intervene in the defendant's direct appeal for the limited purpose of addressing the defendant's attempt to subpoena the victim's medical records. *See State v. Thompson*, 5 Wash.3d 322, 574 P.3d 542 (2025).
- RAP 9.2 (Verbatim Report of Proceedings) was amended to change the format and organization of the verbatim report of proceedings and bring the rule into conformance with current practices and technologies. Several other rules and forms were amended to reflect the new requirements.
- RAP 10.2 (Time for Filing Briefs) was amended to change the deadline for filing opening briefs to 60 days after the report of proceedings is filed. Note that the 45-day deadline for cases where a report of proceedings is not used remains unchanged.
- RAP 18.8 (Waiver of Rules and Extension and Reduction of Time) was amended to preserve the original ordering of the subparagraphs.
- The appellate courts continue to grapple with issues arising from racial bias and inequities at all levels of court proceedings. It is safe to say that the trend towards reducing marginalization in the justice system will continue.

Civil Rules for Superior Court (CR)

- The courts discussed substance vs. procedure, and the interplay of the Civil Rules in special proceedings, in several cases recapped in the casenotes following CR 1 and SPR 98.24W.
- In *Raab v. NU Skin Enterprises, Inc.*, 4 Wash.3d 464, 565 P.3d 895 (2025), the Supreme Court held that a forum selection clause cannot render a statutorily-authorized venue improper. See the discussion following CR 3 and CR 82.
- The use of pseudonyms and initials by parties is discussed in connection with CR 10.
- CR 12 (Defenses and Objections) was amended to add new subparagraph (4), related to service on a defendant in a jail,

PREFACE

detention facility, or prison facility.

- The Court waded into the thorny area of the need for finality vs error correction in the context of CR 60(b)(11), and held that the trial court abused its discretion by failing to consider surrounding circumstances after the Court of Appeals did not correct an error of law on appeal. *See Luv v. West Coast Servicing, Inc.*, 5 Wash. 3d 399, 577 P.3d 398 (2025). Practitioners should note that the case is fact-specific, and the dissent expresses valid concerns about the potential negative impact of the majority's decision.

CrR 3.1/CrRLJ 3.1/JuCR 9.2 Standards for Indigent Defense

The Standards for Indigent Defense were substantially amended, as part of the court system's ongoing efforts to improve criminal defense provided at public expense. The Standards continue to include references to the MPRs (now CCRs) but are no longer included in that rule set.

Criminal Rules for Superior Court (CrR) and for Courts of Limited Jurisdiction (CrRLJ)

- CrR 3.2 and CrRLJ 3.2 (Release of Accused) were amended to replace language prohibiting interference with the administration of justice with expanded, more detailed language.
- CrR 4.1 and CrRLJ 4.1 (Arraignment) were amended to shorten the time deadline for arraignment from 14 days to 3 days. The rules are detailed and should be carefully consulted.
- CrR 8.3 and CrRLJ 8.3 (Dismissal) were amended to add a list of enumerated factors the court must consider, in addition to any other relevant information, when deciding a motion to dismiss.

CONCLUSION

On a personal note, I want to again thank my friend Karl Tegland for entrusting the Rules Practice volumes to me. Karl has told me many times how much his work benefitted over the years from the input he has received from lawyers and judges, and I encourage those in the profession to provide me with the same type of feedback and input.

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