

Preface to the 2026 Edition

The Washington Handbook on Civil Procedure became a solo project for me upon the retirement of my co-author, friend, and mentor, Karl B. Tegland, whose initiative as Washington's leading legal commentator led to the creation of the Handbook more than 20 years ago. I thank him for making me a co-author from its inception, for his guidance over the years, and for his trust in me to take on sole authorship. Karl's influence on this volume is indelible and will beneficially shape the author's commentary in perpetuity.

The Handbook was designed to create a convenient, one-volume guide to pretrial civil procedure that was both practical and up to date. The purpose of the Handbook remains to provide practitioners with a compact bridge between the multi-volume treatises on civil procedure and the bare text of the rules and statutes.

Because only a small fraction of any litigator's time is actually spent in trial, the Handbook de-emphasizes courtroom procedures and focuses instead on the most commonly encountered pretrial proceedings. For the same reason, the Handbook avoids the rule-by-rule analysis utilized in many other works. This format is designed to address pretrial matters in chronological order—as they appear in the life of a typical case, from commencing the action and compliance with the statute of limitations to settlement and dismissal of claims.

Other matters, such as mandatory arbitration, short-term injunctive relief, and commencement of appellate review arise with sufficient frequency to warrant coverage in the Handbook as well.

Chapter 1 of the Handbook is a table designed to serve as a quick reference guide to the time limits imposed by court rules and statutes.

The author's commentary in Chapter 2 represents a distillation of pertinent rules, statutes, and case law. Each part is divided into a number of sections, and the sections are further subdivided with descriptive headings to allow the reader to quickly locate the discussion most relevant to the task at hand. Rather than presenting an academic discussion of blackletter rules and doctrines, the commentary emphasizes a more practice-oriented approach, with abundant examples and practice tips. Each section ends with cross-references to other volumes for fur-

ther research, and for forms.

The Civil Rules and the Mandatory Arbitration Rules are reproduced in full in Chapters 4 and 5, and Chapter 7 contains the text of virtually all Washington statutes affecting pretrial procedures.

Everything is tied together by a master index at the back of the Handbook.

Of particular interest in this edition of the Handbook are the following.

- More than 95 new substantive entries covering Washington cases, rules, statutes, and more!
- New Supreme Court case law addressing choice-of-law principles in the context of application of statutes of repose. (§ 1.7).
- New Supreme Court case law on application of special childhood sexual abuse statute of limitations to claims for continuing childhood sexual abuse that extend into the victim's adulthood. (§ 5.13).
- New appellate court authority establishing CR 11 sanctions are exempt from a bankruptcy automatic stay of proceedings. (§ 8:9).
- New Supreme Court case law analyzing proper procedure for enforcing forum selection clauses. (§ 13.14).
- New Supreme Court case law and legislation on procedure in unlawful detainer actions. (§ 22.5).
- New court rule governing time to answer when summons served on an incarcerated person. (§ 25.6)
- New case law and commentary on authorization of party to proceed pseudonymously. (§ 30.3).
- New case law and commentary on method of seeking discovery about testifying experts. (§ 39.3).
- Court rule amendment governing CR 45 subpoenas seeking to take testimony remotely. (§ 49.12).
- New case law on procedure for appearing in action to assert non-party privilege. (§ 55.3).
- New commentary and Court of Appeals case law addressing motions to stay proceedings when party is asserting Fifth Amendment rights. (§ 65.3).
- New commentary and appellate case law on availability of attorney fees when voluntary dismissal is taken during summary judgment process. (§ 67.19).
- Amended legislation governing court-appointed interpreters. (§ 89.1).

The case research in the Handbook is current through approximately December 2025 (West's Washington Reporter vol. 52 (Dec. 26, 2025)). Statutes are current through the 2025 1st Special Session of the Legislature (2025 West's Washington

PREFACE

Legislative Service). Rules of court reflect all amendments published through approximately December 2025. This Handbook will be revised periodically, with new editions published annually or as warranted by changes in the law.

I want the Handbook to be as useful as possible, and I welcome suggestions, observations, and criticisms from readers. If there is something you would like to see added or deleted, something I got wrong, or a way you think the Handbook could be improved, please let me know directly.

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