

New Year, New Rules, New Citations

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Bar Bulletin Blog: General



“Always Appealing” is a column addressing current issues in appellate practice and recent appellate cases written by the lawyers of Smith Goodfriend P.S., a Seattle law firm that limits its practice to civil appeals and related trial court motions practice.

In January, proposed amendments to 23 court rules went live for public comment.¹ This article focuses on possible changes to three rules that deal with citations in court filings — GR 14, RAP 10.3, and RAP 17.3 — which should alleviate citation stressors on litigants and courts alike. I, for one, welcome these updates, and by the end of this article, you will too.

Bye-bye parallel citations?

As most Always Appealing readers know, in Washington, legal citations are governed by General Rule 14 and the Reporter of Decisions Style Sheet.

Since 2003, the Style Sheet has required parallel citations for all cases — i.e., citing both the Washington Reports or Washington Appellate Reports (official reporters) and the Pacific Reporter (regional reporter).

But the sun may be setting on the era of parallel citations. Now, two proposals — one by Professor Robert Chang (formerly of Seattle University School of Law, now at the University of California, Irvine, School of Law) and another by the Washington Appellate Project — seek to make additional updates to the rule in the name of readability and word count.

Both proposals² call for changes to the rules that require parallel citations. The Style Sheet has trended toward eliminating the use of parallel citations to other reporters when citation to an official reporter exists.³

Currently, the Style Sheet, Exception 9, modifies Bluebook rule 10.3.1 (Parallel Citations and Which Source(s) to Cite) and requires citations to “official reports and regional reports for all cases for which official reports are published.”⁴ For citations to cases from California, Illinois, and New York, the Style Sheet also requires citations to “the state specific reporter ... in addition to the official reports and regional reporters.”⁵

Additionally, the Style Sheet’s Exception 10 modifies Bluebook rule 10.7 (Prior and Subsequent History) and requires citations to the Washington Reports for Washington cases while leaving citations to the Pacific Reporter “optional” for cases where the Washington Supreme Court has granted or denied review.⁶ For non-Washington cases with prior or subsequent history, citations are to be made to the regional reporter for state cases and to the official reporter (U.S. Reports) for U.S. Supreme Court cases.⁷ However, if a U.S. Supreme Court case does not yet have a citation in the official reporter, then citations should be made to one of the unofficial reporters, with citations to the Supreme Court reporter being preferred.⁸

The Washington Appellate Project’s proposed changes replace the current Exception 9 and modify Exception 10, while Professor Chang’s proposed changes are limited to Exception 9.

While both proposals are helpful, I think Professor Chang’s proposal is the better modification to the rule.

Professor Chang’s proposal is both simpler and more encompassing than the Washington Appellate Project’s proposal.⁹ Unlike the Washington Appellate Project’s proposal, which only requires citations to the official reporters for Washington cases, Professor Chang’s proposal would require litigants to “[c]ite official reports for all cases for which official reports are published” — not just Washington cases. The uniformity that Professor Chang’s proposal provides would eliminate any ambiguity for litigants and courts alike.

Additionally, while the Washington Appellate Project’s changes to Exception 10 are well taken, I don’t think they are necessary, as the rule, in its current state, does not require parallel citations. The current rule only requires citations to the

official reporter for Washington cases, and the regional reporter in foreign cases. Citations to the regional reporter for Washington cases and the official reporter in foreign cases are “optional” under the current rule.

It’s time to pin down those citations.

The Court of Appeals is also concerned about citations and has proposed changes to RAP 10.3 and RAP 17.3, which would require more specific citations to the record when making factual assertions in appellate briefs and motions.¹⁰

Under the current rules, factual assertions in briefs must be supported by “reference to the record”¹¹ and motions likewise must include “reference to parts of the record relevant to the motion.”¹² The proposed amendments would instead require an added degree of specificity with reference to “specific pages” of the record.¹³

Not only would these proposed rule changes aid the Court and litigants alike in vetting the factual assertions made in a brief or motion, but the new rules are intended as “a warning to the parties, particularly to pro se litigants, that the appellate court may refuse to address an argument that is based on factual assertions not supported by specific reference to the record.”¹⁴ This amendment specifically codifies Washington authorities that ignore arguments lacking adequate citation,¹⁵ providing notice to litigants who do not regularly practice in Washington appellate courts.

As someone who is routinely tasked with vetting the assertions made in an opposing party’s briefs, I often see parties make a factual assertion and then cite a pleading or a document attached to a declaration as an exhibit to support their claim. But these pleadings or exhibits can sometimes be several hundred pages long, and often the party only needs to cite a single sentence, paragraph, or page. So I can easily see the value of these proposed changes, as it can be extremely time-consuming to review an entire trial record — often spanning thousands of pages — to find the few sentences bearing on a particular issue. Assuming litigants comply with the proposed rule, it will be much faster to go exactly to a page, or page range, to check an assertion or quote.

There is an additional change being made to RAP 17.3(a) that would require parties filing a motion in the Court of Appeals to state in their motion whether the motion is unopposed. This rule change will be familiar to practitioners who are regularly before the Ninth Circuit, as the rule “borrows heavily” from Ninth Circuit Local Rule 21-1(2), which requires moving parties to notify the court if a motion is unopposed.¹⁶

This rule change is designed to streamline rulings from the Court of Appeals on motions in addition to expediting the timeline for perfecting an appeal. Currently, a party has ten days to respond to a motion in the Court of Appeals,¹⁷ so even if a motion is unopposed, the Court must leave the motion open for 10 days, or rule before the 10 days have run and risk a later-filed opposition, thereby necessitating a motion for reconsideration to properly adjudicate the motion. Requiring parties to state in their motion that it is unopposed means that the Court would be able to rule on a motion the day it is filed.

I am sure almost every attorney is in favor of speedy rulings on motions, and I agree with the Court in its assessment that the rule may “increase the collegiality in the appellate bar ... and reduce the need for some motions.”¹⁸

Whether you think these rule changes are warranted or unnecessary, the comment period expires on April 30, 2026. Comments should be submitted either by U.S. Mail (P.O. Box 40929, Olympia, WA 98504-0929) or by email¹⁹ (supreme@courts.wa.gov) to the Clerk of the Supreme Court.

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1 The entire list of proposed changes can be found on the court’s website. January 2026 – Proposed Rules Published for Comment, courts.wa.gov/court_rules/?fa=court_rules.proposedDetails&proposedId=2216 (last accessed Jan. 13, 2026).

2 Both proposals can be found on the court's website. GR 14 – Office of Reporter of Decisions Style Sheet (Prof. Robert Chang proposal), courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6263 (last accessed Jan. 13, 2026); GR 14 – Office of Reporter of Decisions Style Sheet (Wash. Appellate Project proposal), courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6264 (last accessed Jan. 13, 2026).

3 The most recent amendment (also proposed by Professor Chang), effective Sept. 1, 2025, excised the requirement of the Style Sheet that required citations to the official U.S. Reports (“U.S.”), as well as citations to the unofficial Supreme Court Reporter (“S.Ct.”) and U.S. Supreme Court Reports, Lawyers Edition (“L.Ed.”). See GR 14 – Format for Pleadings and Other Papers, courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6210 (last accessed Jan. 13, 2026).

4 GR 14, App. 1, Exception 9.

5 *Id.*

6 GR 14, App. 1, Exception 10.

7 *Id.*

8 *Id.*

9 Full disclosure: I may harbor some bias in favor of Professor Chang; he was one of my professors while he was still at Seattle University.

10 RAP 10.3 – Content of Brief, www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6254 (last accessed Jan. 13, 2026) (hereinafter “RAP 10.3 proposal”); RAP 17.3 – Content of Motion, www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=6253 (last accessed Jan. 13, 2026) (hereinafter “RAP 17.3 proposal”).

11 RAP 10.3(a)(5).

12 RAP 17.3(a)(3).

13 This language appears in both rule proposals.

14 This language also appears in both rule proposals. It is an open question whether this new language will actually do anything. I take the new rule as a signal that the Court of Appeals intends to enforce its procedural rules more stringently by striking briefs for inadequate citations. Other members of my office are more skeptical, and think that this amendment is just a clarification about what the Court is looking for in briefs and motions.

15 See Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (arguments that are not supported by any reference to the record or by citation to authority need not be considered); Estate of Lint, 135 Wn.2d 518, 532, 957 P.2d 755 (1998) (appellate court “will not and should not” assume “an obligation to comb the record with a view toward constructing arguments”).

16 RAP 17.3 proposal.

17 RAP 17.4(e).

18 RAP 17.3 proposal.

19 Comments submitted by email are limited to 1,500 words.