

## Can I Ask the Court to Change a Ruling?

**Yes.** You can ask the court to revise a ruling if you disagree with it. You can also ask the court to reconsider a **final** ruling if you disagree with it.

**Revision** is when a judge reviews a ruling that a court commissioner made. (RCW 2.24.050)

**Reconsideration** is when a judge or a court commissioner reviews his or her own ruling.

Reconsideration is only applicable to final orders. (Civil Rule 59)

### How do I ask for revision?

If you want a judge to review a court commissioner's ruling, you must:

1. Write a motion for revision. You can explain why you think the court commissioner was wrong.
2. File the motion within **ten calendar days** after the commissioner signed the order that you want changed.
3. Schedule a hearing when you file your motion. The clerk's office can help you with this.
4. Order the transcript as soon as you can but no later than **five business days** after filing the motion.
5. At least **five business days** before the hearing, file the transcript (if needed) with the court.
6. At least **six business days** before the hearing, notify the other parties about the hearing and give them copies of the papers that you filed. You will also need to provide Court Administration with a "judge's copy" of the transcript and each document called to the attention of the court commissioner that is the basis for the revision.
7. Go to the hearing.

### What evidence does a judge review for a revision motion?

The judge reviews exactly the same facts and evidence that the commissioner reviewed.

### Do I need to order a transcript for a revision motion?

You do not need to order a transcript if the court commissioner entered findings of fact and

conclusions of law in the order entered and there was no live testimony at your hearing.

### How do I order the transcript?

Contact the court reporter as soon as you can but not later than **five calendar days** after you file the revision motion. You can find the court reporter's email address on the court's website under "Court Services/Ordering Copies of Electronic Recorded Hearings and Transcripts of Proceedings." There is a fee for transcripts, but you can ask the court to waive the fee if you cannot afford to pay. The transcript has to be ready at least **five business days** before the hearing.

### For a revision motion, do I have to show that the court commissioner made a legal error?

No. The judge can follow the same law but decide the case differently and change a ruling. But when you write your motion, it is best if you explain clearly why you think the judge should change the ruling.

### How do I ask for reconsideration?

To ask a judge or court commissioner to review their own final ruling, you must:

1. Write a motion for reconsideration. You must explain why you think the ruling is wrong and the reason must be one of the nine reasons listed in Civil Rule 59(a) (see attached rule).
2. File the motion within **ten calendar days** after the Order you are asking the court to reconsider was signed.
3. Schedule a hearing when you file the motion. The hearing must be held within 30 days of filing the motion.
  - The judge or court commissioner may decide the motion without argument and cancel the hearing.
4. When you file the motion, give a "judge's copy" of the motion and other documents filed with the motion to Court Administration.
5. Notify all parties about the hearing and give them copies of all the papers that you filed.
6. Go to the hearing unless it is cancelled.

Deadlines for Revision Motions - EXAMPLE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		<b>1</b> Court Commissioner signs Order	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b> <b>10 calendar days after Order entered:</b> deadline to file revision motion.  <b>Schedule a hearing.</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b> <b>5 calendar days after filing revision motion:</b> deadline to order the transcript.	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b> <b>6 business days before hearing -</b> Deadlines to: 1. notify all parties of hearing 2. file transcript 3. give copies of papers you filed to other parties; submit judge's copy.	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b> <b>3 business days before hearing:</b> response brief due.	<b>29</b> <b>2 business days before hearing:</b> reply brief due by 12:00 pm.	<b>30</b>	<b>31</b> <b>Hearing Date</b> (for example only)		

## **RCW 2.24.050: Revision by Court**

All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within ten days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within ten days from the entry of the order or judgment of the court commissioner, the orders and judgments shall be and become the orders and judgments of the superior court, and appellate review thereof may be sought in the same fashion as review of like orders and judgments entered by the judge.

## **Civil Rule 59: New Trial, Reconsideration, and Amendment of Judgments**

**(a) Grounds for New Trial or Reconsideration.** On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to all or any of the parties, and on all issues, or on some of the issues when such issues are clearly and fairly separable and distinct, or any other decision or order may be vacated and reconsideration granted. Such motion may be granted for any one of the following causes materially affecting the substantial rights of such parties:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial;

(2) Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict or to a finding on any question or questions submitted to the jury by the court, other and different from the juror's own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors;

(3) Accident or surprise which ordinary prudence could not have guarded against;

(4) Newly discovered evidence, material for the party making the application, which the party could not with reasonable diligence have discovered and produced at the trial;

(5) Damages so excessive or inadequate as unmistakably to indicate that the verdict must have been the result of passion or prejudice;

(6) Error in the assessment of the amount of recovery whether too large or too small, when the action is upon a contract, or for the injury or detention of property;

(7) That there is no evidence or reasonable inference from the evidence to justify the verdict or the decision, or that it is contrary to law;

(8) Error in law occurring at the trial and objected to at the time by the party making the application; or

(9) That substantial justice has not been done.

[sections (b) – (j) are left out.]

## **Other Court Rules:**

**LCR 53.2:** Court Commissioners (e) Revision by Court.

**LCR 59:** New trial, reconsideration, and amendment of judgments