

Number, Term Length, Qualifications of Judges:

Supreme Court: 9 justices: *Six-year terms.* Three positions are up for election every two years. To qualify, a person must be an attorney admitted to practice in Washington.

Court of Appeals: 22 judges: *Six-year staggered terms.* To qualify, a person must have practiced law in Washington state for *five years* and, at the time of election, lived for *at least one year* in the district from which that position was drawn.

Superior Courts: 183 judges: *Four-year terms.* All judges stand for election in same year. To qualify, a person must be an attorney admitted to practice in Washington.

Courts of limited jurisdiction: 270 judges (109 district court judges, 161 municipal court judges): *Four-year terms* (if subject to election). Qualifications vary, and a few may not be attorneys.

Tribal Courts: 49 judges: *Four-year terms.* Qualifications vary.

Selection of Judges:

In Washington state, all judges except for some of those who serve in the municipal courts are **nonpartisan elected officials**. Municipal court judges are elected or appointed, depending on the statutory provisions under which a particular municipal court was established. Vacancies on the Supreme Court, Court of Appeals, and Superior Courts are filled by the governor, with the appointed judge serving until the next general election. In some counties, all Superior Court judges stand for election in the same year; otherwise, elected judges generally have staggered terms.

Judicial Oversight:

The public interest requires a fair and reasonable process to address judicial misconduct or disability. In Washington state, this process is implemented by a **Commission on Judicial Conduct**. Created in 1980 by constitutional amendment, it has eleven members: six non-attorney citizens appointed by the governor, one judge selected by and from the Court of Appeals, one selected by and from the Superior Court judges, one selected by and from the limited jurisdiction court judges, and two attorneys selected by the State Bar Association. Commission members serve four-year terms. The Commission's role is to hold judges accountable for misconduct, without compromising the essential independence of the judiciary, and while shielding judges whose careers could be damaged by false allegations. Twenty-six judges have been censured or disqualified by the Commission in the past ten years. Several hundred complaints are evaluated each year.

Structure of Court System:

Washington's court system has four levels: the state Supreme Court, the state Court of Appeals, county Superior Courts, and courts of limited jurisdiction (District Courts and Municipal Courts). Additionally, there are twenty-nine tribal courts.

➤ **The Supreme Court** – This is the state's highest court. Its opinions are published, become the law of the state, and set precedent for subsequent cases decided in the state of Washington. Offices are located in the Temple of Justice in Olympia, the state capital.

Motions to be determined by the court, and petitions for review of Court of Appeals decisions, are heard by five-member departments of the court. A less-than-unanimous vote on a petition requires that the entire court consider the matter.

All nine justices hear and dispose of cases argued on the appeal calendar. Each case is decided on the basis of the trial record, plus written and oral arguments. Exhibits are generally not allowed and no live testimony is heard.

Appeals from lower courts can, in particular situations, bypass the Court of Appeals and pass directly to the Supreme Court: if a statute or ordinance has been ruled unconstitutional, if the action involves a state officer, if conflicting statutes or rules of law are involved, or if the issue is of broad public interest and

requires a prompt and ultimate determination. All cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. The Supreme Court can review decisions of lower courts even if only a small amount of property or money is involved (however, it must exceed \$200).

➤ **Court of Appeals** – The Court of Appeals is a non-discretionary appellate court — it must accept all appeals filed with it. Most cases appealed from a county's Superior Court go directly to the Court of Appeals, although certain specific types of cases go directly to the Supreme Court.

The Court of Appeals is divided into nine districts, each of which serves a specific geographic area of the state. The districts are organized into three divisions with offices in Seattle, Tacoma, and Spokane.

Residents elect the appeals court judges that serve their district.

- Division I, District 1: 7 judges: King County (includes city of Seattle)
- Division I, District 2: 2 judges: Snohomish County (includes city of Everett)
- Division I, District 3: 1 judge: Island, San Juan, Skagit and Whatcom counties (includes city of Bellingham)
- Division II, District 1: 3 judges: Pierce County (includes city of Tacoma)
- Division II, District 2: 2 judges: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties (includes capital city of Olympia)
- Division II, District 3: 2 judges: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties (includes city of Vancouver)
- Division III, District 1: 2 judges: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties (includes city of Spokane)
- Division III, District 2: 1 judge: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties (includes the Tri-Cities)
- Division III, District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima Counties (includes the city of Wenatchee)

The Court of Appeals has authority to *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision of the lower court. The court decides each case after reviewing the transcript of the case and considering the arguments of the parties. Generally, the court hears oral arguments in each case but does not take live testimony.

➤ **Superior Court** – Generally, this is a county's highest court, with offices located at a county seat. The Superior Courts hear cases concerning civil matters, domestic relations, felony criminal cases, **juvenile matters**, and appeals from the lower courts ("courts of limited jurisdiction"). Cases are appealed from lower courts on the basis of an electronic tape recording of the original proceeding if the judge of the lower court is an attorney (otherwise, appeals require a new hearing). Appeals to Superior Court from small claim cases always receive new hearings.

There are thirty superior court districts for Washington's thirty-nine counties. In rural areas of the southern and eastern parts of the state, judges rotate between several counties as needed. Multi-county Superior Court districts are: Skamania/Klickitat, Benton/Franklin, Ferry/Stevens/Pend Oreille, Columbia/Garfield/Asotin, and Island/San Juan.

➤ **Courts of limited jurisdiction** - Each county has at least one district court. District courts hear both criminal and civil cases; municipal courts can hear civil cases only. More than two million cases are filed annually in district and municipal courts of Washington state. *Excluding parking infractions, seven out of every eight cases filed in all our state courts are filed at this level.*

District courts have exclusive jurisdiction over infractions and small claims, and also are the ones to issue domestic violence and anti-harassment protection orders. They have concurrent jurisdiction with Superior Courts over misdemeanor and gross misdemeanor violations and civil cases under \$50,000. Preliminary hearings for felony cases are also within the jurisdiction of district courts. Violations of city ordinances are tried in municipal courts and in traffic violation bureaus, or "TVBs." Some cities contract with district courts to handle violations of their ordinances instead of maintaining their own municipal court.

➤ **Tribal Courts** – Each tribal territory in the state has a court. Generally speaking, these courts have jurisdiction over cases in which persons have transacted personal or other business within the tribal territory or own real or personal property situated within the territory. There are twenty-seven tribal trial courts and two tribal courts of appeal (Colville and Tulalip).

Administration of Court System:

Rules: The state Supreme Court administers the state's court system and is the final rule-making authority for all of the state's courts. Court administrative and fiscal records are maintained by staff of each lower court, generally under the direction of a presiding judge (for larger courts) selected by the other judges on that court to serve in that capacity for two years. Duties of a presiding Superior Court judge vary from county to county. Local courts make their own rules of procedure, although these rules must not conflict with rules established by the Supreme Court. The Supreme Court also has supervisory responsibility over all attorney disciplinary matters.

Records: The county clerk is an elected official who maintains the Superior Court's official records and oversees all record-keeping matters pertaining to the operation of the court. Among other things, the county clerk may be responsible for notification of jurors, maintenance of all papers and exhibits filed in cases before the court, and preparation of minutes of trial court procedures.

Staff: Some courts also employ **court commissioners**. Working under the direction of a judge, court commissioners assume many of the same powers and duties of a Superior Court judge. Matters heard by the court commissioner include probate, uncontested marriage dissolutions, the signing of court orders for uncontested matters, and other judicial duties assigned by the elected judge. The state constitution limits each county to no more than three court commissioners.

Funding: Court operations funded directly by the state include those of the Supreme Court (including the Supreme Court Clerk's Office, the Reporter of Decisions, the State Law Library, and the Administrative Office of the Courts), the state Court of Appeals, and half of the salaries and benefits of Superior Court judges. Local funds support the cost of court administration, grand juries, local law libraries, court facilities, civil process services, petit juries, and witness expenses. Local governments finance the major portion of the state's judicial system, although in recent years expenditures on the court system have represented only about six percent of all funds spent by all local governments in Washington state.

Trial Court Sentencing Guidelines:

In Washington, Superior Court judges make sentencing decisions for criminal cases under a *determinate* sentencing system under which offenders convicted of felony crimes are sentenced according to a uniform set of guidelines that use facts about an offender's criminal history and the seriousness of an offender's crimes. The purpose of the system is to assure that those sentenced for similar crimes, or those who have comparable criminal backgrounds, receive similar treatment. The guidelines do not entirely eliminate a sentencing judge's discretion, but a judge can depart from these guidelines only if compelling circumstances exist. Only sentences imposed outside of the guidelines can be appealed.

Condition of the Courts:

In his biennial report to the legislature on the state of the judiciary in January 2006, Chief Justice Alexander said, "There must be a rebalancing of responsibility for the funding of trial courts so that the state government contributes in a more equitable way, along with local government, to the operations of the superior, district, and municipal courts." Then he went on to identify four more issues requiring attention: poor juror response rates, election of municipal judges (who frequently are appointees), inadequate funding for indigent defense, and outdated equipment for judicial information systems.