

# *Supreme Court*

## *2006 Annual Caseload*

### *Report*

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# Supreme Court Glossary

This glossary is included to assist in understanding the statistical tables.

## Filings

**Notice Of Appeal** - A review of a trial court decision in these select circumstances: review is authorized statutorily; an issue of constitutionality is involved; conflicting appellate decisions are at issue; questions of public importance are raised; or, the death penalty was decreed. Notices of appeal directly following a judgment in a superior court as a matter of right must be filed within 30 days. Notices of appeal are categorized into criminal and civil appeals.

Cases opened on notice of appeal can reach the Supreme Court by these means: direct appeal from trial court; certification by the Court of Appeals; granting of a motion to transfer an appeal from the Court of Appeals; or an administrative transfer initiated by the Supreme Court to relieve pressure on the Court of Appeals or because a similar case is already being heard by the Supreme Court.

**Petitions For Review** - A review of any Court of Appeals' decision terminating review. The Supreme Court only accepts reviews of decisions that conflict with other Supreme Court or Court of Appeals' decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest..." (Rules of Appellate Procedure (RAP) 13.4).

**Other Reviews** - The five following categories are grouped under the title "Other Reviews": personal restraint petitions, discretionary reviews, original actions against state officers, petitions for expenditures of public funds, and reviews certified from federal court.

**Personal Restraint Petition** - A petition to seek relief from limitations on a person's freedom due to current or imminent confinement. The Supreme Court normally exercises its jurisdiction over such petitions by transferring them to the Court of Appeals (RAP 16.5).

**Discretionary Review** - A review of interlocutory orders of the superior court. Reviews made prior to a final determination of the case, in which a party argues that the trial court has committed an error pursuant to RAP 2.3(b). Discretionary reviews are in the purview of the Supreme Court under most of the same conditions that apply for notices of appeal. The Supreme Court may be requested by motion for discretionary review, to review interlocutory Court of Appeals' decisions, and decisions on personal restraint petitions.

**Actions Against State Officers** - Both the Supreme Court and the superior courts have concurrent original jurisdiction over a petition against a state officer in the nature of quo warranto, prohibition, and mandamus (RAP 16.2), generally preventing a continued exercise of authority unlawfully asserted.

**Petitions For Expenditures Of Public Funds** - Petitions for expenditure from the indigent defense fund (RAP 15.2).

**Certified From Federal Court** - Reviews certified to determine a question of state law which does not involve a question determined by reference to the United States Constitution (RAP 16.16).

## Dispositions

Cases are considered officially disposed in the Supreme Court as soon as a decision terminating review is filed with the Supreme Court Clerk.

**Opinions** - Those cases which were reviewed by the Court and had an opinion written.

**Motion On The Merits** - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

**Dismissed** - An order, issued by the Court, dismissing the review prior to a determination of the merits. The commissioner or clerk may dismiss a review for failure to comply with procedures. The Court, on motion of a party, may dismiss a review if the review is frivolous, moot, or solely for the purpose of delay. Also, the Court may dismiss reviews for want of prosecution or for failure to comply with procedures (RAP 18.9).

**Transferred To Court Of Appeals** - To promote the orderly administration of justice, the Supreme Court may, on its own initiative or on motion of a party, transfer a case to the Court of Appeals.

**Review Not Accepted** - Reviews disposed through this manner are not accepted because they fail to meet the requirements of review stated in Rule 2 and Rule 13 of the Rules of Appellate Procedure. These requirements are summarized in the above glossary definitions for each review type.

**Terminated** - An order issued by the Court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review.

## Pending

**Case Stayed** - Those cases temporarily arrested or removed from judicial processing by order of the Court.

**Ready For Setting** - Those cases within the stages of perfection which have at minimum had the briefs filed but have yet to be set on the Court calendar for review.

**Not Ready For Setting** - Those cases within the stages of perfection which are ready for consideration but have yet to file further pleadings.

**Set For Motion On The Merits** - Those cases which have been set on the motion on the merits calendar (RAP 18.14).

**Set For Oral Argument** - Those cases which have progressed to the point at which all briefs were filed and served and have been set for review.

**Opinion/Order In Process** - Those cases which have been reviewed by the Court but have yet to receive a decision.

## Mandated

A decision is mandated by the Clerk of the Supreme Court with a written notification of the Court's decision to the originating court and the parties involved.

The Supreme Court  
Court Activity by Source of Review, 2006

	Trial Courts	Court of Appeals	Original Actions	WSBA <sup>4</sup> /CJC	Certified Issues	TOTAL
<b>FILINGS</b>						
Total Filings	124	1,197	135	117	3	1,576
<b>RESOLUTIONS<sup>1</sup></b>						
Total Opinions	16	94	5	8	1	124
Decided on Merits	0	0	0	0	0	0
Dismissed	2	0	1	0	0	3
Transferred/Certified	19	0	1	0	0	20
Review Not Accepted	0	9	0	0	0	9
Other	69	541	9	1	0	620
Total Orders	90	550	11	1	0	652
Decided on Merits	0	0	0	0	0	0
Dismissed	8	22	5	0	1	36
Transferred/Certified	3	0	66	0	0	69
Review Not Accepted	7	360	30	0	0	397
Other	7	25	8	1	0	41
Total Rulings	25	407	109	1	1	543
Other Decisions Term. Rvw <sup>2</sup>	0	0	0	121	0	121
Total Resolved	131	1,051	125	131	2	1,440
<b>PENDING AT YEAR END<sup>3</sup></b>						
Cases Stayed	4	66	1	N/A	0	71
Cases Ready	6	29	2	N/A	0	37
Cases Not Ready	48	552	30	N/A	0	630
Set for Motion on Merits	0	0	0	N/A	0	0
Set for Motion Calendar	0	32	0	N/A	0	32
Set for Oral Argument	0	0	0	N/A	0	0
Total Awaiting Hearing	58	679	33	N/A	0	770
Opinion/Order in Process	15	62	0	N/A	1	78
Total Pending Decision	73	741	33	N/A	1	848
<b>MANDATED</b>						
Opinions	15	79	5	7	2	108
Other	119	1,110	138	123	1	1,491
Total Mandated	134	1,189	143	130	3	1,599

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 4). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
Court Activity, Cases from Trial Courts, 2006

	-----Appeals-----			-----Discr. Review-----			Death Penalty Review	Exp Public Funds <sup>1</sup>	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total			
<b>FILINGS</b>									
Total Filings	11	42	53	4	12	16	0	55	124
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	2	10	12	1	1	2	2	0	16
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	1	1	1	0	1	0	0	2
Transferred/Certified	2	17	19	0	0	0	0	0	19
Review Not Accepted	0	0	0	0	0	0	0	0	0
Other	0	3	3	0	0	0	0	66	69
Total Orders	2	21	23	1	0	1	0	66	90
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	4	4	0	4	4	0	0	8
Transferred/Certified	2	1	3	0	0	0	0	0	3
Review Not Accepted	0	0	0	3	4	7	0	0	7
Other	0	2	2	1	4	5	0	0	7
Total Rulings	2	7	9	4	12	16	0	0	25
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0
Total Resolved	6	38	44	6	13	19	2	66	131
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	1	3	4	0	0	0	0	0	4
Cases Ready	0	2	2	4	0	4	0	0	6
Cases Not Ready	11	28	39	0	3	3	0	6	48
Set for Motion on Merits	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0	0	0	0
Set for Oral Argument	0	0	0	0	0	0	0	0	0
Total Awaiting Hearing	12	33	45	4	3	7	0	6	58
Opinion/Order in Process	1	9	10	4	0	4	1	0	15
Total Pending Decision	13	42	55	8	3	11	1	6	73
<b>MANDATED</b>									
Opinions	2	10	12	0	2	2	1	0	15
Other	4	30	34	5	11	16	0	69	119
Total Mandated	6	40	46	5	13	18	1	69	134

<sup>1</sup> Expenditure of Public Funds.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Cases from Court of Appeals, 2006

	--Petition for Review--			-- Motions for --- Discr. Review ---			Discr. Review PRP	Certifi- cations	Transfers (party motions)	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total				
<b>FILINGS</b>										
Total Filings	438	278	716	48	70	118	358	1	4	1,197
<b>RESOLUTIONS<sup>1</sup></b>										
Total Opinions	43	42	85	1	1	2	3	0	4	94
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	3	5	8	1	0	0	9
Other	314	221	535	2	1	3	3	0	0	541
Total Orders	314	221	535	5	6	11	4	0	0	550
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	5	7	12	2	3	5	5	0	0	22
Transferred/Certified	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	33	58	91	269	0	0	360
Other	6	1	7	6	4	10	5	0	3	25
Total Rulings	11	8	19	41	65	106	279	0	3	407
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0	0
Total Resolved	368	271	639	47	72	119	286	0	7	1,051
<b>PENDING AT YEAR END<sup>2</sup></b>										
Cases Stayed	60	5	65	0	0	0	1	0	0	66
Cases Ready	16	8	24	0	0	0	4	1	0	29
Cases Not Ready	288	195	483	8	8	16	53	0	0	552
Set for Motion on Merits	0	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	25	6	31	0	0	0	1	0	0	32
Set for Oral Argument	0	0	0	0	0	0	0	0	0	0
Total Awaiting Hearing	389	214	603	8	8	16	59	1	0	679
Opinion/Order in Process	23	32	55	0	1	1	1	0	5	62
Total Pending Decision	412	246	658	8	9	17	60	1	5	741
<b>MANDATED</b>										
Opinions	37	36	73	1	1	2	2	0	2	79
Other	339	240	579	45	91	136	393	0	2	1,110
Total Mandated	376	276	652	46	92	138	395	0	4	1,189

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Original Actions and Federal Court, 2006

	Actions Against State Officers	Personal Restraints	Death Penalty PRP	Misc. Reviews	TOTAL	Certified from Federal Court
<b>FILINGS</b>						
Total Filings	7	117	0	11	135	3
<b>RESOLUTIONS<sup>1</sup></b>						
Total Opinions	0	0	0	5	5	1
Decided on Merits	0	0	0	0	0	0
Dismissed	1	0	0	0	1	0
Transferred/Certified	0	0	0	1	1	0
Review Not Accepted	0	0	0	0	0	0
Other	2	0	0	7	9	0
Total Orders	3	0	0	8	11	0
Decided on Merits	0	0	0	0	0	0
Dismissed	3	1	0	1	5	1
Transferred/Certified	0	66	0	0	66	0
Review Not Accepted	0	30	0	0	30	0
Other	4	3	0	1	8	0
Total Rulings	7	100	0	2	109	1
Other Decisions Term. Rvw	0	0	0	0	0	0
Total Resolved	10	100	0	15	125	2
<b>PENDING AT YEAR END<sup>2</sup></b>						
Cases Stayed	0	1	0	0	1	0
Cases Ready	0	1	1	0	2	0
Cases Not Ready	0	25	0	5	30	0
Set for Motion on Merits	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0
Set for Oral Argument	0	0	0	0	0	0
Total Awaiting Hearing	0	27	1	5	33	0
Opinion/Order in Process	0	0	0	0	0	1
Total Pending Decision	0	27	1	5	33	1
<b>MANDATED</b>						
Opinions	0	0	0	5	5	2
Other	12	115	0	11	138	1
Total Mandated	12	115	0	16	143	3

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
 Court Activity, Cases from WSBA and Commission on Judicial Conduct<sup>1</sup>, 2006

	----- Washington State Bar Association -----						-Comm. on Judicial Conduct-				
	Admissn	Admissn	Discpl	Discpl	Discpl	Total	Discpl/	Discpl/	Total		
	Appeals	Petition	Appeals	Review	Show Cause	Other <sup>3</sup>	WSBA	Appeals	Discr.R	CJC	TOTAL
<b>FILINGS</b>											
Total Filings	0	7	3	3	11	92	116	1	0	1	117
<b>RESOLUTIONS</b>											
Total Opinions	0	0	6	1	0	0	7	1	0	1	8
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	1	0	0	1	0	0	0	1
Total Orders	0	0	0	1	0	0	1	0	0	0	1
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	1	0	0	0	1
Total Rulings	0	0	1	0	0	0	1	0	0	0	1
Other Decisions Term. Rvw <sup>2</sup>	0	7	18	4	13	78	120	1	0	1	121
Total Resolved	0	7	25	6	13	78	129	2	0	2	131
<b>PENDING AT YEAR END</b>											
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED</b>											
Opinions	0	0	6	1	0	0	7	0	0	0	7
Other	0	7	19	5	13	78	122	1	0	1	123
Total Mandated	0	7	25	6	13	78	129	1	0	1	130

<sup>1</sup> As a result of recent transition to the new Appellate Court Records and Data System(ACORDS-II) and changes in resolution coding procedures in 2005, the following revisions and observations were made:

(a) resolutions are now categorized by Opinions, Orders, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

(b) Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>2</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1(b)). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>3</sup> Includes Notice of Discipline, Stipulation and Reciprocal Discipline, Disability Inactive Status Appeal, Transfer to Disability Inactive Status, Financial and Miscellaneous Non-Discipline.



The Supreme Court  
History of Filings, 2002-2006<sup>1</sup>

	2002	2003	% Chg <sup>3</sup>	2004	% Chg <sup>3</sup>	2005	% Chg <sup>3</sup>	2006	% Chg <sup>3</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	5	5		9		1		11	
Civil Appeals	56	52		47		51		42	
Total Appeals	61	57		56		52		53	
Direct Discretionary Review	23	28		31		17		16	
Death Penalty Review	1	0		0		0		0	
Exp. Public Funds	61	46		64		63		55	
TOTAL--TRIAL COURTS	146	131	-10.3%	151	15.3%	132	-12.6%	124	-6.1%
<b><u>COURT OF APPEALS</u></b>									
Criminal	367	427		444		457		438	
Civil	315	299		316		323		278	
Total Petition for Review	682	726		760		780		716	
Motion for Discr. Review	135	107		124		126		118	
Motion for Discr. Rvw of PRP <sup>2</sup>	280	286		321		458		358	
Certifications/Transfers	15	12		10		8		5	
TOTAL--COURT OF APPEALS	1,112	1,131	1.7%	1,215	7.4%	1,372	12.9%	1,197	-12.8%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT	125	129	3.2%	175	35.7%	166	-5.1%	138	-16.9%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC	159	99	-37.7%	139	40.4%	117	-15.8%	117	0.0%
TOTAL FILED	1,542	1,490	-3.4%	1,680	12.8%	1,787	6.4%	1,576	-11.8%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Resolutions, 2002-2006<sup>1</sup>

	2002	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>	2006	% Chg <sup>4</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	6	0		6		5		6	
Civil Appeals	58	46		51		44		38	
Total Appeals	64	46		57		49		44	
Direct Discretionary Review	34	16		34		13		19	
Death Penalty Review	0	0		1		0		2	
Exp. Public Funds	64	48		52		56		66	
TOTAL--TRIAL COURTS	162	110	-32.1%	144	30.9%	118	-18.1%	131	11.0%
<b><u>COURT OF APPEALS</u></b>									
Criminal	329	370		406		419		368	
Civil	286	328		271		295		271	
Total Petition for Review	615	698		677		714		639	
Motion for Discr. Review	125	103		114		142		119	
Motion for Discr. Rvw of PRP <sup>2</sup>	286	275		301		417		286	
Certifications/Transfers	9	12		17		10		7	
TOTAL--COURT OF APPEALS	1,035	1,088	5.1%	1,109	1.9%	1,283	15.7%	1,051	-18.1%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT	122	109	-10.7%	148	35.8%	197	33.1%	127	-35.5%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>3</sup>	2	64	. %	284	343.8%	195	-31.3%	131	-32.8%
TOTAL RESOLVED	1,321	1,371	3.8%	1,685	22.9%	1,793	6.4%	1,440	-19.7%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond. In addition, resolution information for years 2004 forward includes some old cases for which the disposed status has been retroactively determined and recorded.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Pending Cases, 2002-2006<sup>1</sup>

	2002	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>	2006	% Chg <sup>4</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	1	8		11		7		13	
Civil Appeals	38	37		32		39		42	
Total Appeals	39	45		43		46		55	
Direct Discretionary Review	4	14		11		14		11	
Death Penalty Review	4	4		3		3		1	
Exp. Public Funds	7	4		13		19		6	
TOTAL--TRIAL COURTS	54	67	24.1%	70	4.5%	82	17.1%	73	-11.0%
<b><u>COURT OF APPEALS</u></b>									
Criminal	225	280		322		359		412	
Civil	206	179		223		250		246	
Total Petition for Review	431	459		545		609		658	
Motion for Discr. Review	13	24		35		17		17	
Motion for Discr. Rvw of PRP <sup>2</sup>	56	60		68		103		60	
Certifications/Transfers	5	8		7		3		6	
TOTAL--COURT OF APPEALS	505	551	9.1%	655	18.9%	732	11.8%	741	1.2%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT	42	46	9.5%	71	54.3%	39	-45.1%	34	-12.8%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>3</sup>	N/A	N/A		N/A		N/A		N/A	
TOTAL PENDING DECISION	601	664	10.5%	796	19.9%	853	7.2%	848	-0.6%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court

Court Activity Trends, All Reviews, 2002-2006<sup>1</sup>

	2002	2003	% Chg	2004	% Chg	2005	% Chg	2006	% Chg
<b>FILINGS</b>									
Total Filings	1,542	1,490	-3.4%	1,680	12.8%	1,787	6.4%	1,576	-11.8%
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	123	129		136		143		124	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		6		3	
Transferred/Certified	N/A	N/A		N/A		16		20	
Review Not Accepted	N/A	N/A		N/A		6		9	
Other	N/A	N/A		N/A		683		620	
Total Orders	N/A	N/A		N/A		711		652	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		69		36	
Transferred/Certified	N/A	N/A		N/A		131		69	
Review Not Accepted	N/A	N/A		N/A		86		397	
Other	N/A	N/A		N/A		469		41	
Total Rulings	N/A	N/A		N/A		755		543	
Other Decisions Term. Rvw <sup>3</sup>	N/A	N/A		N/A		184		121	
Total Orders/Rulings/Other <sup>4</sup>	1,198	1,242		1,549		1,650		1,316	
Total Resolved	1,321	1,371	3.8%	1,685	22.9%	1,793	6.4%	1,440	-19.7%
<b>PENDING AT YEAR END<sup>5</sup></b>									
Cases Stayed	21	18		49		58		71	
Cases Ready	6	5		13		34		37	
Cases Not Ready	160	541		633		696		630	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	339	6		4		7		32	
Set for Oral Argument	23	47		41		0		0	
Total Awaiting Hearing	549	617	12.4%	740	19.9%	795	7.4%	770	-3.1%
Opinion/Order in Process	52	47	-9.6%	56	19.1%	58	3.6%	78	34.5%
Total Pending Decision	601	664	10.5%	796	19.9%	853	7.2%	848	-0.6%
<b>MANDATED</b>									
Opinions	120	134	11.7%	135	0.7%	152	12.6%	108	-28.9%
Other	1,205	1,293	7.3%	1,547	19.6%	1,641	6.1%	1,491	-9.1%
Total Mandated	1,325	1,427	7.7%	1,682	17.9%	1,793	6.6%	1,599	-10.8%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases. As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>4</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>5</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity Trends, Cases from Trial Courts, 2002-2006

	2002	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>	2006	% Chg <sup>4</sup>
<b>FILINGS</b>									
Total Filings	146	131	-10.3%	151	15.3%	132	-12.6%	124	-6.1%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	18	13		21		19		16	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		0		2	
Transferred/Certified	N/A	N/A		N/A		11		19	
Review Not Accepted	N/A	N/A		N/A		2		0	
Other	N/A	N/A		N/A		65		69	
Total Orders	N/A	N/A		N/A		78		90	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		9		8	
Transferred/Certified	N/A	N/A		N/A		0		3	
Review Not Accepted	N/A	N/A		N/A		1		7	
Other	N/A	N/A		N/A		11		7	
Total Rulings	N/A	N/A		N/A		21		25	
Other Decisions Term. Rvw	N/A	N/A		N/A		0		0	
Total Orders/Rulings/Other <sup>2</sup>	144	97		123		99		115	
Total Resolved	162	110	-32.1%	144	30.9%	118	-18.1%	131	11.0%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	0	4		2		7		4	
Cases Ready	0	1		7		5		6	
Cases Not Ready	46	45		47		58		48	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	1	8		3		0		0	
Total Awaiting Hearing	47	58	23.4%	59	1.7%	70	18.6%	58	-17.1%
Opinion/Order in Process	7	9	. %	11	. %	12	. %	15	. %
Total Pending Decision	54	67	24.1%	70	4.5%	82	17.1%	73	-11.0%
<b>MANDATED</b>									
Opinions	14	15	. %	20	. %	22	. %	15	. %
Other	141	112	-20.6%	130	16.1%	97	-25.4%	119	22.7%
Total Mandated	155	127	-18.1%	150	18.1%	119	-20.7%	134	12.6%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
 Court Activity Trends, Cases from Court of Appeals, 2002-2006

	2002	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>	2006	% Chg <sup>4</sup>
<b>FILINGS</b>									
Total Filings	1,112	1,131	1.7%	1,215	7.4%	1,372	12.9%	1,197	-12.8%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	103	104		83		106		94	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		5		0	
Transferred/Certified	N/A	N/A		N/A		4		0	
Review Not Accepted	N/A	N/A		N/A		3		9	
Other	N/A	N/A		N/A		600		541	
Total Orders	N/A	N/A		N/A		612		550	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		38		22	
Transferred/Certified	N/A	N/A		N/A		5		0	
Review Not Accepted	N/A	N/A		N/A		79		360	
Other	N/A	N/A		N/A		443		25	
Total Rulings	N/A	N/A		N/A		565		407	
Other Decisions Term. Rvw	N/A	N/A		N/A		0		0	
Total Orders/Rulings/Other <sup>2</sup>	932	984		1,026		1,177		957	
Total Resolved	1,035	1,088	5.1%	1,109	1.9%	1,283	15.7%	1,051	-18.1%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	14	7		25		51		66	
Cases Ready	4	4		5		27		29	
Cases Not Ready	84	470		545		602		552	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	339	6		4		7		32	
Set for Oral Argument	22	29		34		0		0	
Total Awaiting Hearing	463	516	11.4%	613	18.8%	687	12.1%	679	-1.2%
Opinion/Order in Process	42	35	-16.7%	42	20.0%	45	7.1%	62	37.8%
Total Pending Decision	505	551	9.1%	655	18.9%	732	11.8%	741	1.2%
<b>MANDATED</b>									
Opinions	103	107	3.9%	85	-20.6%	110	29.4%	79	-28.2%
Other	931	994	6.8%	1,024	3.0%	1,159	13.2%	1,110	-4.2%
Total Mandated	1,034	1,101	6.5%	1,109	0.7%	1,269	14.4%	1,189	-6.3%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
Court Activity Trends, Original Actions, 2002-2006

	2002	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>	2005	% Chg <sup>4</sup>	2006	% Chg <sup>4</sup>
<b>FILINGS</b>									
Total Filings	121	127	5.0%	173	36.2%	164	-5.2%	135	-17.7%
<b>RESOLUTIONS<sup>1</sup></b>									
Total Opinions	1	2		16		9		5	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		1		1	
Transferred/Certified	N/A	N/A		N/A		1		1	
Review Not Accepted	N/A	N/A		N/A		1		0	
Other	N/A	N/A		N/A		15		9	
Total Orders	N/A	N/A		N/A		18		11	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		20		5	
Transferred/Certified	N/A	N/A		N/A		126		66	
Review Not Accepted	N/A	N/A		N/A		6		30	
Other	N/A	N/A		N/A		15		8	
Total Rulings	N/A	N/A		N/A		167		109	
Other Decisions Term. Rvw	N/A	N/A		N/A		0		0	
Total Orders/Rulings/Other <sup>2</sup>	120	103		129		185		120	
Total Resolved	121	105	-13.2%	145	38.1%	194	33.8%	125	-35.6%
<b>PENDING AT YEAR END<sup>3</sup></b>									
Cases Stayed	7	7		22		0		1	
Cases Ready	0	0		1		2		2	
Cases Not Ready	30	26		41		36		30	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	0	9		4		0		0	
Total Awaiting Hearing	37	42	13.5%	68	61.9%	38	-44.1%	33	-13.2%
Opinion/Order in Process	1	2	. %	2	. %	1	. %	0	. %
Total Pending Decision	38	44	15.8%	70	59.1%	39	-44.3%	33	-15.4%
<b>MANDATED</b>									
Opinions	2	3	. %	14	. %	12	. %	5	. %
Other	132	134	1.5%	128	-4.5%	200	56.3%	138	-31.0%
Total Mandated	134	137	2.2%	142	3.6%	212	49.3%	143	-32.5%

<sup>1</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>2</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>3</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>4</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court

Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2002-2006<sup>1</sup>

	2002	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>	2005	% Chg <sup>5</sup>	2006	% Chg <sup>5</sup>
<b>FILINGS</b>									
Total Filings	159	99	-37.7%	139	40.4%	117	-15.8%	117	0.0%
<b>RESOLUTIONS<sup>2</sup></b>									
Total Opinions	0	7		13		7		8	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		0		0	
Transferred/Certified	N/A	N/A		N/A		0		0	
Review Not Accepted	N/A	N/A		N/A		0		0	
Other	N/A	N/A		N/A		2		1	
Total Orders	N/A	N/A		N/A		2		1	
Decided on Merits	N/A	N/A		N/A		0		0	
Dismissed	N/A	N/A		N/A		2		0	
Transferred/Certified	N/A	N/A		N/A		0		0	
Review Not Accepted	N/A	N/A		N/A		0		0	
Other	N/A	N/A		N/A		0		1	
Total Rulings	N/A	N/A		N/A		2		1	
Other Decisions Term. Rvw <sup>3</sup>	N/A	N/A		N/A		184		121	
Total Orders/Rulings/Other <sup>4</sup>	2	57		271		188		123	
Total Resolved	2	64	. %	284	343.8%	195	-31.3%	131	-32.8%
<b>PENDING AT YEAR END</b>									
Cases Stayed	N/A	N/A		N/A		N/A		N/A	
Cases Ready	N/A	N/A		N/A		N/A		N/A	
Cases Not Ready	N/A	N/A		N/A		N/A		N/A	
Set for Motion on Merits	N/A	N/A		N/A		N/A		N/A	
Set for Motion Calendar	N/A	N/A		N/A		N/A		N/A	
Set for Oral Argument	N/A	N/A		N/A		N/A		N/A	
Total Awaiting Hearing	N/A	N/A		N/A		N/A		N/A	
Opinion/Order in Process	N/A	N/A		N/A		N/A		N/A	
Total Pending Decision	N/A	N/A		N/A		N/A		N/A	
<b>MANDATED</b>									
Opinions	0	6	. %	13	. %	7	. %	7	. %
Other	1	52	. %	265	409.6%	184	-30.6%	123	-33.2%
Total Mandated	1	58	. %	278	379.3%	191	-31.3%	130	-31.9%

<sup>1</sup> Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is comparable only for 2003 and beyond.

<sup>2</sup> As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

<sup>3</sup> Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

<sup>4</sup> For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).