



# Report of the Courts of Washington



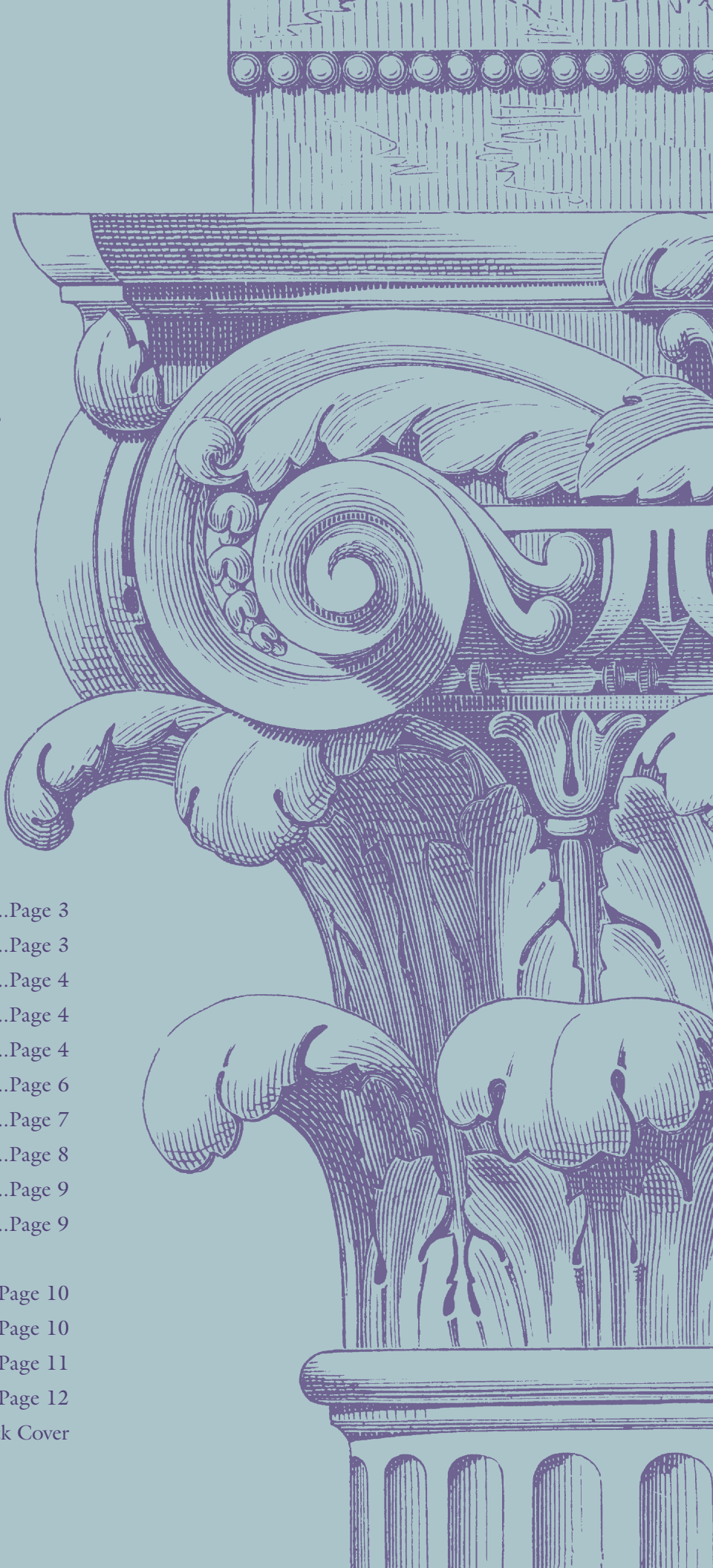
2001



# Report of the Courts of Washington 2001

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# State of the Judiciary:

## A Message from Chief Justice Gerry Alexander

**E**

very two years, the Chief Justice of the Washington Supreme Court is invited to present a “State of the Judiciary” address to a joint session of the Legislature and to the citizens of Washington. In 2001, I presented that address and outlined several proposals to improve the administration of justice in our courts.

One of the proposals that continues to be a top priority for our courts is improving jury service.

In responding to a jury summons, citizens of our state participate in one of the most vital aspects of the judicial process each day. Nearly 150,000 prospective jurors are called to serve in courthouses throughout the state each year, and of that number, approximately 50,000 are seated on juries.

Judges throughout our state believe we should treat jurors with respect and express gratitude to them for the important service they provide to their fellow citizens, which is why I am particularly proud of the work of the Washington State Jury Commission, which worked tirelessly to identify improvements to jury service.

Among the over forty recommendations for change, the Commission viewed an increase in the fee for jurors as the highest priority. In the majority of Washington counties, jurors receive the statutory minimum fee of \$10 per day. In our larger cities, this fee barely covers the cost of parking for the day. Clearly, persons performing this fundamental duty of citizenship should receive compensation at a respectable rate, and it is our hope that the Legislature will recognize this need in future years.

We are also looking at other changes to try to reduce the burden of jury service on the average citizen. From allowing jurors to take notes and asking questions in a trial, to reducing the “legalese” that often confronts jurors in the courtroom, there are a great number of things that can be done internally by court rule to make jury service more comfortable and less confusing. Along those lines we continue to work to:

- Provide jurors with full and complete information about jury service

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*Nearly 150,000 prospective jurors are called to serve in courthouses throughout the state each year, and of that number, approximately 50,000 are seated on juries.*



# State of the Judiciary *(cont'd)*

from the time that they are first summoned.

- Make every effort to utilize jurors efficiently, and avoid calling more citizens to the court facility than are needed.
- Provide adequate facilities for jurors with special consideration to those with disabilities or other special needs.
- Guard the privacy of jurors, by protecting jurors from unreasonable and unnecessary intrusions into their privacy during jury selection. In certain cases, the trial court should submit written questionnaires to potential jurors regarding information that they may be embarrassed to disclose before other jurors.



- Permit jurors in every case to take notes and to submit written clarifying questions to witnesses, subject to careful judicial supervision.
- Provide notebooks in lengthy or complex cases. These would contain information to help

jurors perform their duties, such as instructions, copies of key exhibits, etc.

We realize also, that jury service should be limited to the shortest period possible. Judges recognize that everyone deals with daily stresses and obligations that make serving on a jury difficult. To help defuse this inconvenience, many courts are adopting shorter terms for jury duty.

In recent years, Washington has moved in a direction of progressive change in our courts. Working with the Board for Judicial Administration, I intend to carry this vision forward, and institute reforms that will improve the ability of courts to deliver on the promise of equal justice for all. You'll learn a great deal more about these reforms in the following *2001 Report of the Courts of Washington*.

Finally, let me say that our courts are open to the people we serve. Please feel free to visit the Supreme Court chambers in Olympia, watch us in action during oral argument on TVW, or visit us online at [www.courts.wa.gov](http://www.courts.wa.gov) for further information regarding courts throughout our state.

– Chief Justice Gerry Alexander, Washington Supreme Court

*Judges recognize that everyone deals with daily stresses and obligations that make serving on a jury difficult.*

# Project 2001: Coordinating Judicial Resources for the New Millennium

**I**n 2000 the Supreme Court reestablished the Board for Judicial Administration (BJA) to adopt policies and speak with one voice for the judiciary. As one of its first official actions, the BJA unanimously decided to create a subcommittee to study how Washington Courts could improve operations.

Citizen members, business leaders, county clerks, court administrators and members of the Washington State Legislature were invited to join the subcommittee to explore the resources and operational problems facing the judiciary. In all, more than 145 members served on the subcommittee and its five workgroups.

In January of 2001, the subcommittee presented final recommendations to the Legislature.

Through its research, the committee found three essential characteristics among successful trial courts that form the framework for the core recommendations of Project 2001:

- 1) Clear authority of the presiding judge;
- 2) Flexible assignment of judges to cases; and
- 3) Trial court coordination and collaboration.

## Judicial Portability

A major step toward helping balance the workload and resolve cases more quickly was taken on November 6, 2001 when Washington voters overwhelmingly passed Engrossed Senate Joint Resolution 8208. This Constitutional Amendment allows presiding judges greater flexibility in assigning pro tems to courts outside the judges' jurisdiction.

Previously the law required permission from attorneys on both sides of any case before a pro tem judge could be used. Under the new law, a presiding judge can now request a pro tem judge without this prior consent. Attorneys do retain the right to ask for a pro tem's removal.

In addition, safeguards were put in place that require the presiding judge to consider potential pro tems' background and experience to ensure they are qualified for the level of court or type of case they might be hearing. Presiding judges are also required to annually publish a list of three to 15 potential pro tems so litigants have advance notice of who might be hearing their cases.

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*“For the first time, under the auspices of the Board for Judicial Administration, as reconstituted, we were asked to take some initiative for self-examination... to achieve efficiencies, availability of justice, cost-savings if possible and to otherwise modernize the judiciary.”*

– Paul Steere,  
Project 2001 co-chair

# Project 2001 *(cont'd)*

## **Trial Court Coordination Councils**

Cooperation, coordination and collaboration is another component of the court reform effort, and a key recommendation of Project 2001. To accomplish this goal, the committee recommended, "Trial court judges, clerks, court administrators, lawyers, citizens and other local officials in other branches of government including cities and counties must 'come to the table' to discuss trial court coordination in a meaningful way, and thereafter be willing to work together to develop and implement a plan of coordination."

Trial Court Coordination Councils (TCCCs) have been formed by counties throughout the state with a specific purpose in mind – to work toward maximum utilization of judicial and court resources among all trial court levels. Their progress can be monitored on AOC's web site at [www.courts.wa.gov/board/bja/tccc/](http://www.courts.wa.gov/board/bja/tccc/)

## **Mandatory Education Rule**

Project 2001 also recommended the Supreme Court adopt a rule establishing minimum standards for continuing education of judicial officers as an important step forward to maintaining an independent and competent judiciary in Washington.

While aligning Washington with the majority of other states requiring mandatory education for trial judges, the rule as passed by the Washington Supreme Court raises the bar by mandating continuing education at all levels of the court, including appellate courts.

With the adoption of this proposal, Administrative Office of the Courts (AOC) will now monitor compliance of judges and publish a list of names of any judges who fail to comply.

## **Presiding Judge Rule**

By modifying court administrative rules and changing selection and duties of presiding judges,

the authority of presiding judges has also been increased. To make the court rule applicable to all levels of court and include single-judge courts, the committees recommend the rule be a General Rule, which was ultimately adopted by the Supreme Court.

The rule addresses the selection and removal process for presiding judges, with the intent that this position not be rotational. General responsibilities of the presiding judge are now enumerated, including management and administration of the court's business, improvement of the court's effectiveness, control over the working conditions of all employees and resource allocation.

Following is a brief synopsis of 10 additional committee recommendations.

## **Court Improvement Fund**

The BJA, working in collaboration with the other branches of state and local government, should seek funds from the Washington Legislature to be used to initiate innovative court projects.

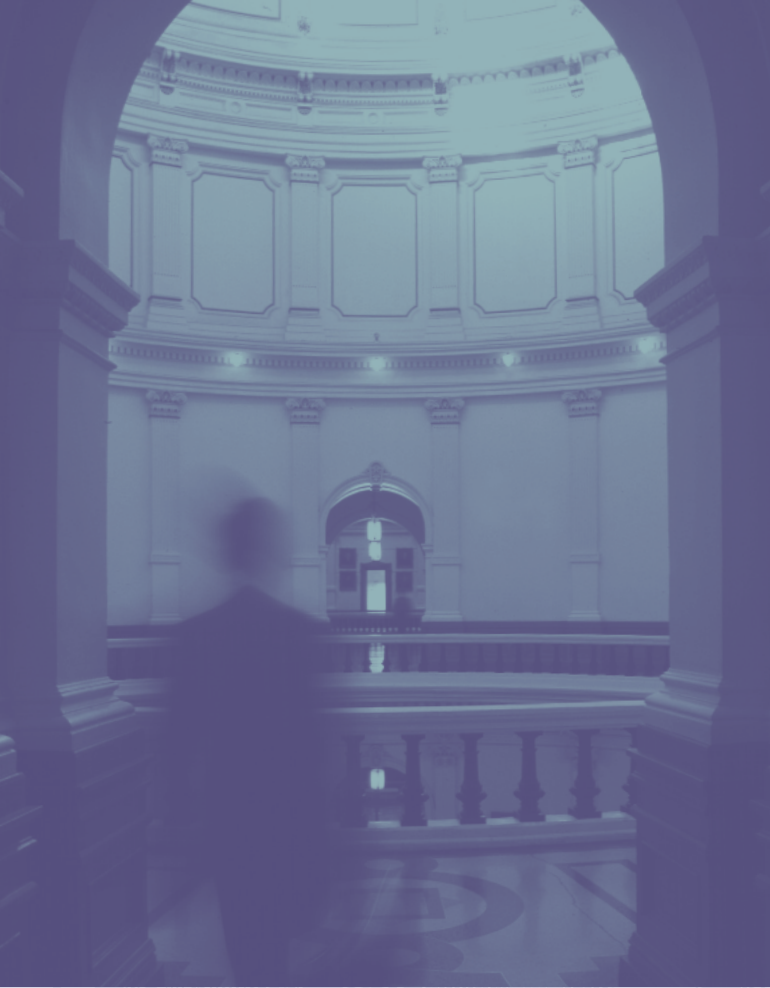
## **Civil Law Improvements**

The holders of judgments should be permitted to obtain discretionary attorney fees of up to \$300 added to a small claims judgment turned over for collection. The subcommittee also concluded that district courts should be allowed to adopt mandatory arbitration as a local option.

## **Criminal Law Improvements – Redefining Certain Felonies**

Certain lower-level felonies might more appropriately be handled by courts of limited jurisdiction. Some common property offenses should be reviewed with the possibility of raising the level of what constitutes a felony.





## **Enforcement and Payment of Judgments and Warrants**

Project 2001 recommended that the AOC contract with a single collection agency for collection of delinquent court-ordered financial obligations.

## **Appeals from Courts of Limited Jurisdiction**

Appeals to superior court should not be “de novo” trials, they should be on the basis of errors of law, just as any other appeal. A model for shortening the appeal process in both civil and criminal appeals is currently found in the Rules on Appeal (RAP) which govern appeals to the Court of Appeals and Supreme Court. Finally, the committee recommended that all courts of limited jurisdiction record all proceedings.

## **Family and Juvenile Law Improvements**

The statute should be amended to clearly allow for emancipation petitions to be heard by juvenile

court personnel. Specifically, the word “judge” should be replaced with “judicial officer.” Unbundled legal services should be allowed. Property inventory, valuation, characterization, even division can be facilitated using a master or referee to work with the parties. Parenting classes should address the effects of divorce on the children and the role of the divorced parent.

## **Courthouse Facilitators and Access to Justice**

The need for family law courthouse facilitators is clearly documented by the growing demand for these services in the counties that offer this type of assistance to self represented litigants. Courthouse facilitator programs in family law could serve as a model for programs in other areas of the law.

## **Pattern Forms**

Pattern forms should be produced in a user-friendly format, in the most common software programs, and should incorporate clear, simple instructions. The Pattern Forms Committee should work with all interested groups to provide additional information and clarification on parenting plan forms.

## **Records Management**

Legitimate concerns about identity theft and personal safety have heightened the need to ensure the protection of information contained in court records.

## **Case Management**

The AOC should establish an ongoing committee to address improvement of caseload management reports for the superior court, creation of an effective set of caseload management reports for the district and municipal courts, and the development and dissemination of approaches to create reports appropriate to effectively manage a judge’s assigned caseload and individual cases themselves. One of the identified causes of delay in the handling of cases is the discovery process. In many superior courts, local rules provide discovery cut-off deadlines and sanctions. This type of rule may be beneficial statewide.





## JIS at the Crossroads

**T**he state's Judicial Information System (JIS) houses court records for more than 220 courts and 10,000 users. It handles nearly 1,000,000 transactions per day and 1,600,000 court cases per year.

The system is now a victim of its own success. While state-of-the-art and a national model 20 years ago, it is now systematically underfunded and wholly unprepared for the internet revolution that no one could have possibly predicted two decades ago.

The JIS Committee, chaired by Justice Bobbe J. Bridge prepared a plan to modernize the state's JIS system. In its new configuration, the system would allow the public to transact court business with prompted online help (likened to "Turbo-tax" forms) as well as pay

court fines and fees online. Access to court data would be available online from any location, 24 hours per day.

The committee plan calls for \$38 million in funding by the Legislature over a six-year period, beginning with an initial \$8 million appropriation plus \$15 million in each of the next two biennia. In addition to the upgrades already listed, web-based juvenile case management and probation case management systems would be included in the first phase.

Future phases of the plan call for:

- web-based Superior Court calendaring;
- web-based Appellate, Superior, District, and Municipal Court Case Management Systems; and
- electronic filing of court cases modeled after standards used by the California judicial system.

The committee held its first public hearing on the Electronic Filing Technical Standards in Tacoma on November 14, 2001. Parties interested in filing cases electronically and those interested in developing supporting applications were invited to study the draft plan and give comment.

*While state-of-the-art and a national model 20 years ago, it is now systematically underfunded and wholly unprepared for the internet revolution that no one could have possibly predicted two decades ago.*



# Supreme Court Posthumously Honor Man Once Rejected Because of His Race

**O**n March 1, 2001, the nine members of the Washington State Supreme Court posthumously admitted American civil rights pioneer Takuji Yamashita, University of Washington Law Class of 1902, as an honorary member of the state Bar.

Supreme Court Chief Justice Gerry Alexander said, “It’s impossible to undo what happened to Mr. Yamashita. But, it’s important for us to make a statement that these things were wrong. It’s a step toward healing.”

Yamashita’s petition for admission was requested by the Washington State Bar Association, the Asian Bar Association of Washington, and the UW Law School. He was described by UW Law School dean Roland Hjorth as one of the school’s “most courageous graduates.”

Upon law school graduation in 1902, Yamashita’s admission to the Bar was blocked by that era’s citizenship requirement for practicing law. As an Asian, he was barred from becoming a citizen under the laws of the day. His appeals to the Supreme Court and Attorney General were fruitless. Yamashita argued before the Supreme Court that denial of his citizenship was an affront to the values of “the most enlightened and liberty-loving nation of them all.” He lost his case, and went into business as a hotel-keeper and strawberry farmer in Kitsap County.

He continued pressing for equal rights throughout his life. In 1922 he challenged in the US Supreme Court the state’s Alien Land Law which barred “ineligible aliens” from owning land. The high court upheld Washington’s law.

Seattle Municipal Court Judge Ron Mamiya said Yamashita was “ahead of his time.” The freedoms he sought were not granted entirely until 14 years after his death when the US Supreme Court granted aliens the right to practice law in all states in 1973.

After incarceration in relocation camps during World War II, Yamashita returned to Japan where he died at age 84 in 1959.

*Yamashita argued before the Supreme Court that denial of his citizenship was an affront to the values of “the most enlightened and liberty-loving nation of them all.”*

Takuji Yamashita poses with 3 of his 6 children in the early 1900s.

PHOTO COURTESY OF UNIVERSITY OF WASHINGTON



# Bench-Bar-Press Committee

**F**ormed in 1963 to foster better understanding and working relationships between judges, lawyers and journalists who cover legal issues and courtroom stories, the Bench-Bar-Press Committee of Washington also seeks throughout the year to alleviate tensions between the constitutional values of “free press” and “fair trial”.

On an as-needed basis, such free press and fair trial conflicts are referred to a special liaison subcommittee, referred to as the “Fire Brigade.” Chaired by King County Superior Court Judge William Downing, liaison committee members serve to keep an open dialogue between judges and the media on these crucial issues. The committee has a strong record of successfully suggesting ways that fair trial concerns can be resolved while preserving free press rights and public access to the judicial process.

In addition to mediating disputes, the full Bench-Bar-Press Committee presents educational seminars and open discussion sessions focusing on court coverage issues which give judges, lawyers and journalists the opportunity to share views and develop open communication with each other. At its 2001 annual meeting, the committee rejected a request to place voluntary guidelines on reporting civil actions against the state.

For further information, please visit the Bench-Bar-Press Committee website at [www.courts.wa.gov/committee/bbp](http://www.courts.wa.gov/committee/bbp)



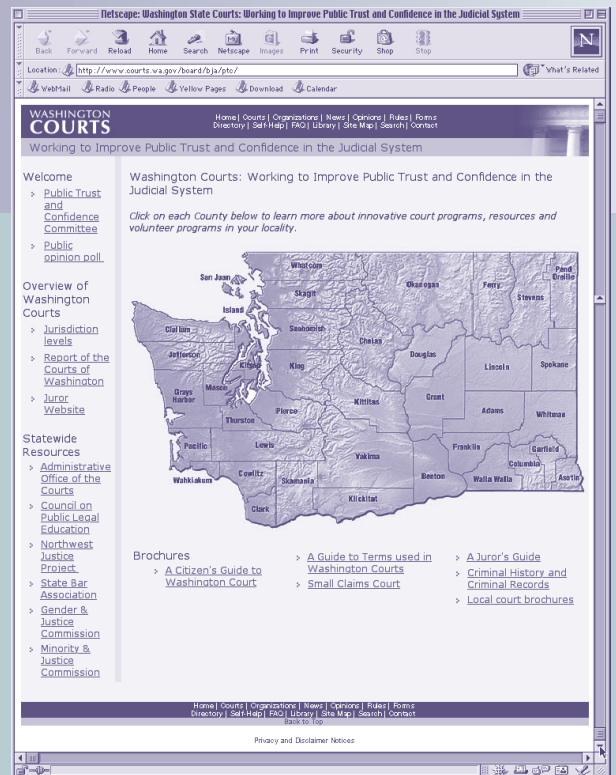
*The committee has a strong record of successfully suggesting ways that fair trial concerns can be resolved while preserving free press rights and public access to the judicial process.*

# Public Trust and Confidence Committee

Formed in 1999 by the Board for Judicial Administration to further understanding of the judicial branch of government, the Board for Judicial Administration's Public Trust and Confidence Committee includes 25 members representing bench, bar, educators, legislators, local government officials, civic groups and members of the public throughout the state of Washington.

The committee has created a comprehensive web site at [www.courts.wa.gov/board/bja/ptc](http://www.courts.wa.gov/board/bja/ptc) to highlight innovative court outreach programs in Washington, and serve as a clearinghouse for legal resources throughout the state. Outreach efforts are categorized by county, with descriptions of each program and links to further information.

In addition to presenting information, the committee seeks to achieve the highest levels of public trust in the judicial system. Public opinion is continually assessed, concerns are addressed, and recommendations for change are made to the Board for Judicial Administration.



## Court of Appeals Division II Relocates

Tacoma's historic Rhodes Center became the new home of Court of Appeals Division II on October 2, 2001. Tacoma's business and legal community joined elected officials and court representatives for an open house and ribbon-cutting ceremony.



# Caseload Highlights

## Supreme Court Highlights

The Supreme Court received 1,392 new case filings in 2001, including 699 (50.2%) petitions for review, 434 (31.2%) discretionary reviews, 142 (10.2%) personal restraint petitions, 71 (5.1%) notices of appeal, and 46 (3.3%) other reviews such as actions against state officers, expenditures of public funds, and cases certified from federal court.

The 10.6% decline in filings relative to the prior year was caused by a decline in personal restraint petitions - the only case type to experience a notable change relative to 2000. Personal restraint petitions dropped a substantial 49.8%, from 283 to 142 cases. This decline, however, represents a turn toward more typical levels of filing following a bulge the two prior years. During that period, a large number of inmate suits were filed in response to the Department of Corrections' one-time, temporary transfer of inmates to the private Crowley County Correctional Facility in Colorado.

The 71 new notices of appeal continued their historically stable split of 15-20% criminal, and 80-85% civil. Similarly, petitions for review split comparably to prior years, with approximately 55% criminal and approximately 45% civil.

In addition to the 1,392 new case filings, the Supreme Court received six new reviews of death penalty cases, 241 attorney admission and discipline matters, and 25 miscellaneous motions for review. With these, a grand total of 1,664 new matters were filed with Washington's Supreme Court in 2001.

### DISPOSITIONS

The Supreme Court disposed of 1,594 cases in 2001, up 12.5% over the prior year, despite the decline in filings during the same period.

A dramatic swell of personal restraint

petitions were disposed in 2001 (413, as contrasted with 53 the year prior). These were largely dismissals in the wake of the opinion in *In re Personal Restraint of Matteson*, 142 Wn.2d 298, 12 P.3d 585 (2000), which was filed 11/02/2000, with Certificate of Finality issued 1/24/2001.

That opinion addressed prisoners' suits resulting from a one-time transfer to the

private Crowley County Correctional Facility in Colorado.

More than half (56.4%) of 2001 dispositions were reviews that were not accepted.

Another fifth (21.3% - 340 cases) were dismissals - up dramatically from the prior year's more typical 50 cases, due to the personal

restraint petitions discussed above. Opinions were written for 136 cases (8.5% of all dispositions). The remaining case dispositions were transfers to the Court of Appeals (7.2%) and other terminations (6.6%).

Following 2000's atypical 19.8% decline in dispositions by opinion, 2001's 136 dispositions by opinion represent a return to a level comparable to that experienced the several years prior to 2000.

### PENDING

As 2001 dispositions outpaced filings received the same year, a notable (23.5%) decline in pending caseload was experienced.

The effect of the large number of dismissals in the wake of the opinion in *In re Personal Restraint of Matteson*, 142 Wn.2d 298, 12 P.3d 585 (2000), as discussed above, was correspondingly experienced in a reduced personal restraint petition pending caseload, diving to 29 cases from the prior year's 301.

Pending caseload for all other types of reviews either increased or remained stable, with the most notable incline experienced in criminal petitions for review (up 20.9% from 158 to 191), which returned to levels comparable to those in the years preceding 2000's singular low.

## Court of Appeals Highlights

### FILINGS

Washington's Court of Appeals received 4,199 new filings in 2001, maintaining an almost identical caseload to the prior year's 4,195 new cases.

Division I (Seattle), which serves Northwestern Washington, received 1,847 of those cases - 44.0% of the statewide caseload. Division II (Tacoma), which serves Southwestern Washington, received 1,424 cases (33.9% of the statewide caseload). The remaining 22.1% (928 cases) were filed in Division III (Spokane), serving Eastern Washington. Division III experienced the largest change in filings relative to the prior year (up 13.0% from 821 to 928), returning to a level just 5.8% less than 1998's recent high of 985. Division II saw a modest increase (3.6%) over 2000 filings, and Division I a decrease (down 7.7%).

More than two-thirds of the statewide Court of Appeals 2001 filings are made up of notices of appeal, split fairly evenly between criminal (37.2% of total caseload) and civil (33.5% of the total). The new caseload is rounded out by personal restraint petitions (18.7%) and notices of discretionary review (10.6%). These proportions are mirrored fairly closely in each of the individual divisions, although Division II saw a wider gap between criminal appeals (587 — 41.2% of the total caseload) and civil appeals (440 - 30.9% of the total caseload) than was experienced in the other divisions.

A small shift in statewide filing types was experienced in 2001: Civil appeals

declined 9.6% from the prior year, returning to a level comparable to that seen in 1999. That decline was offset by increases in all other types of reviews. However, only personal restraint petitions saw no declines in any of the three divisions. Furthermore, personal restraint petitions climbed for the fourth year in a row, to 785 cases statewide – a level 76.4% higher than 1997's 445 cases.

## DISPOSITIONS

Court of Appeals dispositions increased slightly (2.5%) in 2001 relative to 2000. The 4,337 dispositions outpaced the 4,199 filings, yielding a comparable statewide decline in pending caseload (down 111 cases – 2.7%).

The rise in statewide dispositions was accounted for by Division II's 4.9% increase and Division III's 3.7% increase. Division I dispositions remained fairly stable relative to year 2000; however their 2,009 dispositions represent 8.8% more cases than the division received as new filings this year. Divisions II and III disposed of approximately the same number of cases as were newly filed.

Personal restraint petitions emerged as the only review type which uniformly, across all divisions, experienced fewer dispositions than filings. This decline is notable in view of the incline of these filings statewide.

Just under half (45.5%) of the 4,337 statewide dispositions were by opinion. A quarter (26.9% - 531) of those were published. Commissioners' rulings were responsible for 12.9% of case dispositions, with the majority of those (440 cases - 78.9%) via motion on the merits. The Court of Appeals dismissed 1,481 cases in 2001 - a full third (34.1%) of all case dispositions.

## PENDING

While Division II and Division III pending caseload remained fairly stable, Division I's declined notably (down 8.3%), resulting in the lowest pending caseload since 1988. Statewide pending caseload declined in 2001 to its lowest level since 1989.

The majority of statewide cases pending at the end of 2001 were awaiting parties' briefs (62.4%). Opinions or orders were in process for 5.7% of pending cases, and 5.0% were set for oral argument. The remainder were stayed (5.9%), or in some stage of awaiting a hearing (20.9%).

## TIME IN PROCESS

Time from filing to opinion for criminal appeals remained fairly stable statewide, with a negligible 1.7% increase to 648 days. Division III experienced decline a third straight year to a low of 609 days. This drop was largely due to a 12.0% reduction in time from ready to opinion. Division II was stable at 703 days. Division I increased from 2000's unprecedented low, returning to a level comparable to the two previous years (622 days for cases disposed in 2001). Statewide, civil appeals received an opinion within 546 days, a reduction of 24 days (4.2%) since 2000. This pattern is mirrored in Division I's 5.7% reduction to 522 days, and Division II's 5.0% reduction to 586 days. Although Division III remained relatively stable at 518 days, all three divisions experienced their lowest civil filing-to-opinion time since 1998, the inception of the current measurement model.

## NOTE:

Due to time lag between filing a notice of appeal in trial court and appellate court receipt of the case, current year filings are slightly under-counted (roughly 2 percent). Previous year filings will be recalculated annually to include all cases received late. Although this will provide more accurate statistical reporting, it may cause current year filing totals to vary in future court reports.

# Superior Court Highlights

## OVERALL COURT ACTIVITY

Superior court case filings continued to hold steady in 2001. A total of 280,371 cases were filed, representing a negligible

decrease of 0.2% from the previous year. Decline in juvenile offender (-8.0%), domestic (-3.1%), and adoption/paternity (-4.5%) filings was offset by the increase in criminal (3.6 percent) and civil (2.2 percent) filings.

Total filings per 1,000 population remained fairly constant over the last five years with 2001 posting 47 filings per 1,000 population. Total case resolutions (274,597) showed a steady growth rate of 1.3% since 1999.

Statewide case completions closely mirrored case resolutions' trend, with an increase of 1.4% to 269,943. A total of 695,816 non-trial proceedings were held in 2001, showing a slight decrease of 1.2% over the previous year. The total number of trials held continued to show a downward trend, a slight decline of 0.6% to 9,080.

## CRIMINAL ACTIVITY

Criminal case filings are continuing their upward trend, with 44,307 filings in 2001, a moderate increase of 3.6% over 2000 level.

Theft/burglary recorded an unprecedented large number of cases filed, with 10,032 compared to 2000 level of 8,890 (an increase of 12.8%). Increase in sex crimes, robbery, and other felony filings also contributed to the rise in total criminal filings. These increases were offset by decline in misdemeanor/gross misdemeanor and appeals from lower courts filings.

32,730 sentences were imposed, up 4.4% from the previous year. Of those sentences imposed, 73.2% resulted in jail, supervision and/or probation and 23% to state institution. The remaining 3.8% involved some other type of sentence.

Total criminal proceedings were down slightly from last year, a decline of 1.1%. The decline was mainly due to decline in total criminal non-trial proceedings (300,043 compared to 2000's 303,255) with total criminal non-trial proceedings registering little change (2465 compared to 2000's 2480).

## CIVIL ACTIVITY

Civil case filings continued its steady climb to 107,919 from last year's 105,567, an increase of 2.2%. Commercial, meretricious relationship, property rights, and administrative law review case filings continued to show

*(continued)*

steady growth in the last five years. The combined increase in these case filings was 1,049.

Increases in civil harassment (up by 524) and other matters filed with the clerk (up by 1,811) also contributed to the overall increase. This increase more than offset the steady decline in tort (down by 428) and domestic violence (down by 808) filings.

In 2001, 56,730 proceedings were held, a decline of 6.2% from the previous year. Decline in both civil trial (3.6%) and non-trial proceedings (6.3%) contributed to the overall decline.

#### DOMESTIC ACTIVITY

In 2001, 37,006 domestic/URESAs were filed, a 3.1% decline from 2000. The overwhelming majority of domestic case filings are dissolutions, representing about 83% of total cases filed. Of the 36,299 domestic cases resolved in 2001, 96.3% were resolved prior to the commencement of a trial. Proceedings per resolution continued to rise over the last five years, from 1.9 in 1997 to 2.3 in 2001.

#### JUVENILE ACTIVITY

Statewide, 27,094 juvenile offender cases and 23,903 juvenile dependency cases files during 2001 constituted a combined total of 18.2% of the superior courts' overall caseload. Total juvenile offender case filings continued its slide since 1998, decreased by 8% over previous year. The overall decline was experienced across all categories.

16,238 sentences were imposed, down 9.9% from the previous year. Of these sentences imposed, 58.7% were to community supervision or some other sentencing option, 32.7% to detention, 5.7% to state commitment, and 2.9% to local commitment.

Total dependency filings decreased 2.1% over 2000 level. Decline in child in need of services (down by 118), at-risk youth (down by 130) and truancy (down by 472) filings contributed to the overall decline. Total juvenile dependency proceedings (84,789) continued its steady growth for the last 5 years, increasing by 3.5%.

## Courts of Limited Jurisdiction Highlights

#### REPORTING CHANGES IN 2001

Several changes in data presentation were implemented for Courts of Limited Jurisdiction data for calendar year 2001. Most of the changes are evident in the statewide tables, but all are designed to provide the user with more detail on specific types of cases.

For the year 2001, the Courts of Limited Jurisdiction in Washington State generally experienced a lower level of activity than in 2000. Specifically, caseload counts reflected: a 3.6% drop in the number of non-parking cases filed; a slightly higher, 3.8%, drop in contested non-parking proceedings; and a decline of 5.4% in the number of non-parking charges disposed, from the previous year.

#### FILINGS

There were more than 1.8 million cases filed in Washington's courts of limited jurisdiction during calendar year 2001. Parking infractions, which are generally handled administratively, contributed just under 580,000 case filings to the total. The nearly 1.3 million remaining cases represent the core judicial caseload filings for the year.

Overall, non-parking filings decreased by 3.6% compared to 2000. Given the 3.6% increase from 1999 to 2000, non-parking case filings were very near the level for 1999. Traffic infraction cases, at 812,882 filings, made up the largest portion (62.6%) of the total, followed by non-traffic misdemeanor cases (10.5%), other traffic misdemeanor cases (9.0%), civil cases (8.3%), non-traffic infraction cases (3.6%), DUI/physical control cases (2.8%), small claims cases (1.9%), petitions for protection orders related to domestic violence and anti-harassment (1.0%), and felony complaints (0.4%).

#### DISPOSITIONS

Dispositions are counted at the charge rather than the case level. For infractions and misdemeanors, there may be more than one charge per case. Charge dispositions, like filings, came in lower than 2000, with those in core judicial (non-parking) caseload dropping by 5.4%.

While the change from last year, by case type, ranged from a drop of 27.4% (DUI/Physical Control) to an increase of 14.6% (Felony Preliminary), the case type with the largest number of charge dispositions (Traffic Infractions), mirrored the overall drop of 5.4%.

#### PROCEEDINGS

Breaking from the trend of the past several years, the number of contested non-parking proceedings dropped.

The 3.8% overall drop was driven by the 3.6% drop in contested traffic-infraction hearings. There was a drop of just over 5,000 in the statewide total of contested non-parking proceedings.

Jury trials, which constitute 2.7% of contested proceedings, increased 1.7%. Non-jury trials and contested small claims continued their decline of the last few years, dropping from 27,990 in 1996 to 18,826 in 2001 (a 32.7% decline).

#### REVENUE

Washington's courts of limited jurisdiction collected \$126,217,790 in fines, forfeitures, penalties and assessments in connection with core judicial (non-parking) cases - a 0.6% decrease over the 2000 level.

The amount collected under the 30 percent Public Safety and Education Assessment showed a larger rate of decline (1.8%), dropping \$358,466. This came in sharp contrast to prior annual increases of 9.1% from 1998 to 1999 and 8.3% from 1999 to 2000.

# 2001 Washington State Court System

## THE SUPREME COURT

9 JUSTICES (ELECTED TO SIX-YEAR TERMS)

- Appeals from the Court of Appeals
- Direct appeals when action of state officers is involved, the constitutionality of a statute is questioned, there are conflicting statutes or rules of law, or when the issue is of broad public interest.
- Final rule-making body for other state courts
- Administers state court system
- Supervises attorney discipline statewide

## THE COURT OF APPEALS

22 JUDGES (ELECTED TO SIX-YEAR TERMS)

DIVISION 1, SEATTLE 10; DIVISION II, TACOMA 7; DIVISION III, SPOKANE 5

- Appeals from the lower courts except those in jurisdiction of the Supreme Court

## THE SUPERIOR COURTS

175 JUDGES (ELECTED TO FOUR-YEAR TERMS IN 31 JUDICIAL DISTRICTS, EACH COMPOSED OF ONE OR MORE COUNTIES)

- Exclusive original jurisdiction in all civil matters involving a dollar amount over \$50,000; title or possession of real property; legality of a tax, assessment or toll; probate and domestic matters
- Original jurisdiction in all criminal cases amounting to felony
- Original jurisdiction in all criminal cases when jurisdiction is not otherwise provided for by law
- Exclusive original jurisdiction over juvenile matters
- Orders for protection from domestic violence
- Appeals from the courts of limited jurisdiction heard de novo or appealed on the record for error of law

## THE COURTS OF LIMITED JURISDICTION

221 JUDGES; 212 ATTORNEYS AND 9 NON-ATTORNEY (113 DISTRICT COURT JUDGES, ELECTED TO FOUR-YEAR TERMS, AND 108 MUNICIPAL COURT JUDGES\*)

### DISTRICT COURTS

49 COURTS ESTABLISHED BY 39 COUNTIES IN 60 LOCATIONS

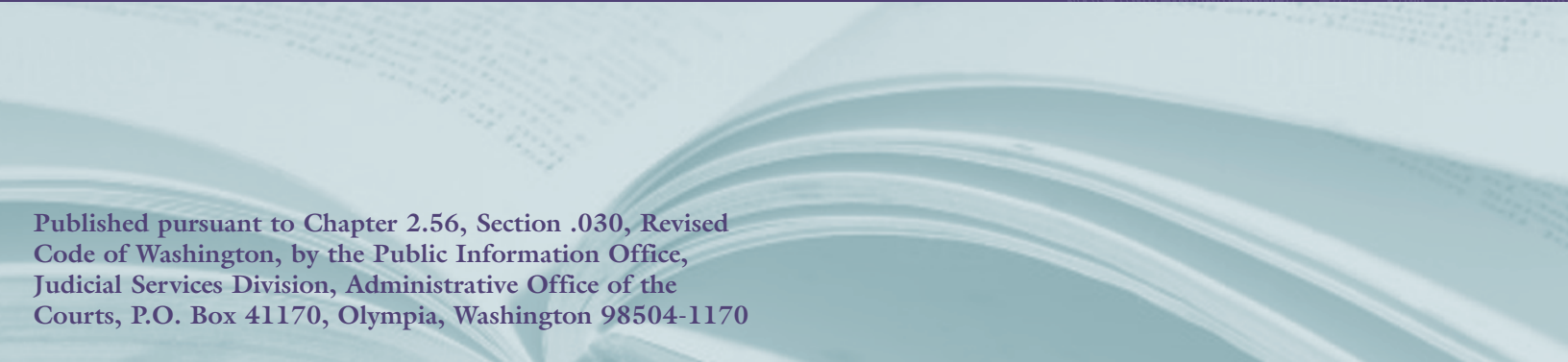
109 MUNICIPALITIES CONTRACT FOR SERVICES FROM DISTRICT COURTS AND 24 VIOLATIONS BUREAUS ARE MAINTAINED

### MUNICIPAL COURTS

119 COURTS ESTABLISHED BY CITIES

- Concurrent jurisdiction with superior courts in all misdemeanor and gross misdemeanor actions with maximum fine of \$5,000 or less and/or jail sentence of one year or less in violation of state county or county/municipal ordinances
- Jurisdiction in all matters involving traffic, non-traffic, and parking infractions
- Orders for protection from domestic violence
- Civil antiharassment matters
- Civil impoundment matters (municipal court jurisdiction expanded to include these matters previously heard only by district courts; effective June 11, 1998).
- Concurrent jurisdiction with superior courts over civil actions involving \$50,000 or less\*\* (increase from \$35,000 effective June 8, 2000).
- Small claims up to \$4,000\*\* (increased from \$2,500 effective 2001)
- Preliminary hearings of felonies\*\*

\* Judges may sit in multiple municipal courts. \*\* District courts only.



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