



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

May 13, 2017

**THE CHRYSALIS INN
Bellingham, WASHINGTON**

**DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
SCHEDULE OF BOARD MEETINGS
2016-2017**

DATE	TIME	MEETING LOCATION
<i>Friday, July 8, 2016</i> CANCELLED	12:30—3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 12, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept. 11, 2016</i>	9:00 a.m. – 12:00 p.m.	2016 Annual Judicial Conference, Spokane, WA
<i>Friday, Oct. 14, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Nov. 4, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 9, 2016</i> CANCELLED	12:30—3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 13, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 10, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 10, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 14, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, May 12, 2017 & Saturday, May 13, 2017</i>	May 12: 12:00-5:00 p.m. May 13: 9:00-1:00 p.m.	The Chrysalis Inn Bellingham, WA
<i>June 4, 2017</i>	9:00 a.m. – 12:00 p.m.	Davenport Grand Hotel Spokane, WA

AOC Staff: Sharon Harvey

Updated: January 25, 2017



DMCJA BOARD MEETING
SATURDAY, MAY 13, 2017
11:10 AM – 1:00 PM
THE CHRYSALIS INN
BELLINGHAM, WA

PRESIDENT-ELECT JUDGE SCOTT K. AHLF

AGENDA

PAGE

Call to Order

General Business

- A. Minutes – April 14, 2017
- B. Treasurer’s Report – *Judge Meyer*
- C. Special Fund Report – *Judge Robertson*
- D. Standing Committee Reports
 - 1. Legislative Committee – *Judge Meyer*
 - 2. Rules Committee Minutes for March 22, 2017
- E. Trial Court Advocacy Board (TCAB)
- F. Judicial Information Systems (JIS) Report – *Ms. Vicky Cullinane*

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Liaison Reports

- A. District and Municipal Court Management Association (**DMCMA**) – *Ms. Paulette Revoir*
- B. Misdemeanant Corrections Association (**MCA**) – *Ms. Melissa Patrick*
- C. Superior Court Judges’ Association (**SCJA**) – *Judge Sean O’Donnell*
- D. Washington State Bar Association (**WSBA**) – *Sean Davis, Esq.*
- E. Washington State Association for Justice (**WSAJ**) – *Loyd James Willaford, Esq.*
- F. Board for Judicial Administration (**BJA**) – *Judges Garrow, Jasprica, Logan, and Ringus*

Discussion

- A. DMCJA Finances – Whether to Reduce the Number of Banks holding DMCJA Funds
- B. Court Education Committee Retreat Update – *Judge Fair*
- C. Judicial Independence and Municipal Courts
- D. National Leadership Grant Applications

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<p>Information</p> <p>A. The Pattern Jury Form Committee has discussed implicit bias jury instructions and plan to include some form of implicit bias instructions in future jury instructions.</p> <p>B. The DMCJA Bylaws Committee has prepared the BJA Staggered terms proposal for the 2017 Spring Conference ballot to be voted on by association members.</p> <p>C. The DMCJA Education Committee will offer a choice session at the 2017 DMCJA Spring Conference entitled, <i>Immigration: What Every Judge Should Know</i>. The session is Monday, June 5, 8:00 a.m. to 9:30 a.m.</p> <p>D. Judge Vernon Schreiber passed away on April 25, 2017 after a period of illness.</p>	<p>124-127</p> <p>128</p> <p>129</p>
<p>Other Business</p> <p>The next DMCJA Board Meeting is June 4, 2017, 9:00 a.m. to 12:00 p.m., at the Davenport Grand Hotel, Spokane, WA.</p>	
<p>Adjourn</p>	
<p>Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or susan.peterson@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	



DMCJA Board of Governors Meeting
Friday, April 14, 2017, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge G. Scott Marinella
Judge Scott Ahlf
Judge Linda Coburn
Judge Karen Donohue (phone)
Judge Douglas Fair
Judge Michelle Gehlsen
Judge Michael Lambo
Commissioner Rick Leo
Judge Mary Logan (non-voting)(phone)
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson (phone)
Judge Douglas Robinson
Judge Charles Short
Judge Tracy Staab

Guests:

Judge Elizabeth Cordi-Bejarano
Judge Timothy Jenkins
Ms. Cynthia Marr, DMCMA
Judge Aimee Maurer (phone)
Ms. Melissa Patrick, MCA
Mr. Loyd Willaford, WSAJ

AOC Staff:

Ms. J Benway (phone)
Ms. Vicky Cullinane
Ms. Callie Dietz (phone)
Ms. Sharon R. Harvey
Ms. Susan Peterson
Ms. Lenora Sneva

Members Absent:

Judge Michael Finkle
Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)
Judge David Steiner

CALL TO ORDER

Judge G. Scott Marinella, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at approximately 12:40 p.m. Judge Marinella asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Amended Minutes for March 10, 2017 Minutes, which include corrections regarding the Salary Commission report to state, "She informed that courts of limited jurisdiction judges' salaries are not on par with the federal judges' salaries," the elimination of the last sentence of the JIS Report that states, "Judge Staab informed that Tyler, which is the vendor for the Superior Court case management system (SC-CMS), liked that Spokane already had in place, and, therefore, is planning to incorporate it into the SC-CMS," and the notation that both Judge Garrow and Commissioner Leo attended the March meeting.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Meyer reported that money is coming in and bills are being paid from DMCJA financial accounts. He informed that Ms. Peterson circulated a reminder to the DMCJA

membership regarding dues payments. He further reported that bills have come in and \$30,000 was allotted for pro tempore reimbursement for the courts of limited jurisdiction case management system (CLJ-CMS) Project and has been paid. Judge Meyer also informed that the DMCJA Spring Conference will cost \$40,000.

C. Special Fund Report

M/S/P to approve the Special Fund report. Judge Robertson reported on the status of the Special Fund. She informed that dues checks are rolling in, and those who have not paid are being addressed.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer reported that the legislative session has now passed cutoff for both the House of Representatives (House) and the Senate, and the consensus is that there will be a special session. He informed that the state budget is at issue. He explained that the House budget is more favorable to the CLJ-CMS project than the Senate budget. He asked Board members to contact their legislators with regard to the court budget. He said the budget issue likely will not be resolved when the Board meets in June. He then encouraged judges to contact their legislators to support the House budget.

Judge Meyer then provided a legislative update on DMCJA proposed bills. He reported that House Bill (HB) 1195, *Surrender of Person Under Surety's Bond*, passed both chambers. In addition, HB 1199, *Allowing Youth Courts to have Jurisdiction over Transit Infractions* passed the Legislature. Further, HB 1221, *Solemnization of Marriages by CLJ Commissioners*, HB 1196/SB 5175, *Modifying Process to Recover Judgments in Small Claims Court*, and HB 1478/SB 5342, *Discover Pass Penalty Distribution*, did not pass the Legislature this year.

He further reported that the HB 1783, *Legal Financial Obligations (LFO)* bill passed out of the House, but failed to pass in the Senate. This year, there was a 4% interest agreement attached to the bill. The LFO bill is now dead, but the bill may do better next year, according to Judge Meyer. He also informed that it does not look like there will be any DUI legislation this year.

2. *Rules Committee*

Ms. Benway provided the February 22, 2017 DMCJA Rules Committee meeting minutes as information to the Board, and was available to address Board members questions.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that there was no TCAB meeting this month, and they will not meet again until August 2017 after the legislative session is over. They are pursuing adequate funding in the courts and rejuvenating the Justice in Jeopardy Initiative, and the TCAB has created a plan that involves a "layering" type of legislation. They plan to work with lobbyists, judges, and legislators. Judge Clarke will remain on the board as well. They also hope for support from the Board for Judicial Administration (BJA). The TCAB members will report back to the DMCJA and SCJA Boards as they proceed.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane provided a courts of limited jurisdiction case management system (CLJ-CMS) Project update. She informed that the project will likely not meet the deadline of selecting a vendor in May 2017 for a couple of reasons. She said site visits are happening near the end of April 2017, so the procurement office needs a bit more time to compile all the scoring results. Also, the steering committee wants to be sure they have all the necessary information to make the best decision. Therefore, a vendor will likely be selected in June 2017. The CLJ-CMS Project team continues to visit sites and gather information of potential vendors. It is projected that in September 2017, there will be a vendor under contract and work will begin. Ms. Cullinane reminded the Board that it is critical for CLJ judges to reach out to their legislators. She also requested that the Board support the proposed House budget. The CLJ-CMS Project needs adequate funding this year, and the House

budget is closer to providing the necessary funding than the Senate budget. In addition, Ms. Cullinane introduced Ms. Lenora Sneva, who is the new AOC Organizational Change Management Coordinator for the CLJ-CMS Project.

Ms. Dietz informed that Chief Justice Mary Fairhurst and Mr. Brady Horenstein met with Senator John Braun, and that it went very well. The Senator was very interested in IT projects and indicated that he would be somewhat supportive of providing and returning general fund money into the JIS fund, which is positive news for the CLJ-CMS Project.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Cynthia Marr, DMCJA President-Elect, reported that the CLJ-CMS Project is the current focus of the DMCMA. She informed that the DMCMA is trying to promote this project in all possible ways. In addition, in May, the DMCMA will hold a spring training and its annual conference, which is May 21-24, 2017, at the Semiahmoo Resort, in Blaine, Washington.

B. Misdemeanant Corrections Association (MCA)

Ms. Patrick reported that MCA's annual conference will be in May 2017 in Spokane. There are currently ninety registered participants. In addition, MCA elections will take place the first two weeks of May 2017.

C. Superior Court Judges' Association (SCJA)

Judge Marinella reported for Judge Sean O'Donnell, who was absent, that a Pretrial Task Force kickoff will be held on June 22, 2017 in Seattle. Invitations will go out soon. He also informed that the Pretrial Task Force planning committee met on March 31, 2017 at the AOC Office in SeaTac.

D. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that on May 4, 2017, the WSAJ is hosting its annual Law Day Celebration and Awards Dinner honoring members of the Judiciary. He informed that Judge Andrea Darvas, King County Superior Court, has been named 2017 WSAJ Judge of the Year. Mr. Willaford provided flyers for the event and expressed that the Law Day Dinner is for a good cause. He further informed that the WSAJ supports General Rule (GR) 36, Jury Selection, which addresses Batson challenges.

Judge Marinella asked if there had been feedback regarding courts scheduling only one or two days for civil trials, and expressed that he wants to keep an open dialogue regarding the issue. Mr. Willaford informed he thinks the topic will be discussed at WSAJ's next Auto Cases continuing legal education training.

E. Board for Judicial Administration (BJA)

Judge Ringus reported that, at the March 17, 2017 BJA meeting, the BJA selected two strategic goals to work on. The strategic goals are (1) adequate and sustainable funding of court education and (2) funding for interpreter services. They will meet again on May 19, 2017, to adopt the charter for their strategic goals.

Judge Fair reported that the Court Education Committee had their retreat on Friday, March 24, 2017, at the Cedarbrook Lodge in Seattle. They are getting organized now to carry out their charter during this last year. A broad range of stakeholders attended the retreat, including someone from all commissions and five Supreme Court justices. They discussed the need for a stable funding source and developed a roadmap for success. It will likely be a 3-5 year process. Judge Fair said he will report more about it at the DMCJA Board Retreat, and asked that this topic be put on the Board Retreat agenda.

ACTION

1. BJA Representatives' Staggered Terms Proposal

M/S/P to adopt the following proposed BJA Staggered Term Proposal language with an amendment to add "four year terms" to the sentence, "Representatives shall not serve more than two four year terms consecutively." The Board referred the proposed amendment to the DMCJA Bylaws Committee, which will prepare a draft on a ballot for members to vote on at the DMCJA Spring Conference. The language is as follows:

ARTICLE VIII - Board for Judicial Administration

Section 1. BJA Representative:

The Association shall be represented on the Board for Judicial Administration (BJA) by the Association President and by four members, as follows: One (1) municipal court judge, one (1) district court judge and two (2) members at large. Selection shall be by vote of the membership as with other Association officers. The Association President position shall be for the period of the Association Presidency. The President-Elect shall be an *ex officio* member of the BJA during their term as President-Elect. All other positions shall be for a term of four years—provided that the terms of members which begin on July 1, 2017 shall be for less than a full term, two years, and shall thereafter be for a term of four years. Representatives shall not serve more than two four year terms consecutively. A representative may serve an unexpired term, less than a full term, and then serve two consecutive terms.

Selection of BJA representatives shall be based on demonstrated commitment to improving the courts and should reflect ethnic, gender, geographic and caseload differences.

DISCUSSION

A. Judicial Assistance Services Program (JASP) Update

Judge Timothy Jenkins reported on the status of the Judicial Assistance Services Program (JASP). He explained that JASP was set up in 2004 to provide judicial officers with confidential help and intervention when they need it. He provided informational brochures about the program. The program provides peer counselors who are available to help judges in crisis. Judge Jenkins explained that judges may either refer themselves or be referred by another judge, court personnel, or an attorney. He informed that JASP is a confidential service separate from the Commission on Judicial Conduct. He further explained that upon receiving a referral, the JASP counselor works with the JASP Chair to determine which peer counselor to assign to judge. The peer counselor makes a confidential call to the judge to talk and encourages the judge to talk with the JASP counselor who can offer a couple of counseling sessions or can refer them to other resources in their community. Counseling sessions with the JASP counselor or with the peer counselor may be conducted via telephone or in person. The current JASP counselor is located in Bellevue. The program addresses issues regarding family, relationships on the bench, and those concerning the well-being of a judge. In addition, JASP now offers services regarding issues related to judicial retirement. The JASP provides articles for the Full Court Press in order to educate judges of its services.

Judge Jenkins informed that Dr. Barbara Harper, who served as a counselor before retiring, founded the JASP, with the assistance of Judge Charles Delaurenti and Judge Clifford Stilz, which is affiliated with and modeled after the Washington State Bar Association's Lawyers Assistance Program. Judge Jenkins further informed that he will serve as the Vice Chair of JASP in 2018. He then encouraged the Board to support a JASP program that the group will present at the 2017 Fall Judicial Conference.

B. Senate Bill (SB) 6360, Consolidation of Traffic-Based Financial Obligations, Workgroup

Judge Elizabeth Bejarano, DMCJA Representative to the SB 6360 Workgroup, gave a status update on the project. She reported there are two proposals. The first one is written by the collection agencies. In this proposal, if a defendant goes to court and wants to get their license back, the active collection agency would

take all fees and work out a payment plan with the defendant, and address any other debt owed. Then any hold on their license is lifted and they can get their driver's license back. If they do not follow through, they are released from the program.

The second proposal is more reflective of what the DMCJA has discussed. Here, the AOC would be involved, payments would be split up by percentage, eligibility is defined, and it allows more grace time until a defendant is kicked out of the program. Once the defendant is in this relicensing program, the administrator would contact the defendant within 21 days. An administrative fee would offset the administrative costs.

Judge Bejarano requested input from the Board regarding both draft proposals. The Board discussed the proposals, Judge Bejarano answered questions, and the Board provided some suggestions. The SB 6360 Workgroup is required to provide feedback to the Office of the Attorney General by December 1, 2017, with a recommendation for a plan to consolidate traffic-based financial obligations statewide. September 2017 is the deadline to have recommendations mapped out. The Attorney General will decide what version to present to the Legislature. This topic will be an action item at the June Board meeting.

C. Courthouse Security Rule Update

Judge Roberson reported that the Trial Court Security Rule has been adopted. She informed that the next step is to educate courts in the state about the new rule. Judge Marinella said it would be helpful if a message with Judge Robertson's information went out on the DMCJA listserv. Judge Robertson will work with Ms. Janet Skreen and Ms. Shannon Hinchcliffe to create an announcement for the membership.

D. Lake Forest Park Municipal Court: Mayor's proposed Termination of Court

Judge Robertson reported that the Mayor of Lake Forest Park informed Judge Linda Portnoy that he had submitted a proposal to terminate Lake Forest Municipal Court and contract out their court services to either the county or another city. Judge Robertson informed there was a preliminary Lake Forest Park Council meeting which she and Judge David Larsen, Federal Way Municipal Court, attended. Additionally, on April 13, 2017, 6:00 p.m., at City Hall, the City Council held another meeting in which judges and the public were invited to present their thoughts on the court termination proposal and respond to the Council's questions. Judge Robertson attended that meeting, along with approximately 18 other judges. Judge David Larson gave a presentation, and Judge Ahlf was also in attendance. The Mayor did not attend this meeting.

The participants at the April 13, 2017 meeting were supportive of Lake Forest Municipal Court. Attendees noted, however, that judges did not say anything disparaging about King County District Court, which will likely assume Lake Forest Park Municipal Court cases. Several citizens spoke about the importance of keeping the court local. About 90% of the comments were positive about retaining the court, and there was great support for Judge Portnoy and the court. However, no decision was made about the court because the Mayor was not in attendance. Another meeting is scheduled on April 27, 2017, 7:00 p.m., at City Hall. Here, the Mayor will make his presentation to the Council and answer the Council's questions. The Council will review the Mayor's answers and hear from the community before making a final decision.

E. Implicit Bias Jury Instructions

Judge Linda Coburn provided an Implicit Bias video link for Board members to view prior to the Board meeting. She reported that in the video top Judicial officials acknowledge that implicit bias exists during the jury process. She asked the Board to consider sending a letter to the Pattern Jury Instructions Committee (Committee) to consider adding implicit bias language in the Washington State jury instructions. The Board discussed the possibility. It was noted that researchers say there is not sufficient evidence at this time to confirm that implicit bias instructions are effective. Further, some experts in the field say the courts should not use these instructions until they are proven effective because they might do more harm than good. There is also concern that these instructions could be overwhelming for jurors. There was mention that implicit bias jury instructions and the accompanying video are being circulated throughout King County courthouses. At Seattle Municipal Court, some judges use them and some do not.

The Board discussed considering the various views regarding implicit bias jury instructions, and decided to consult the Committee to determine whether this issue has been addressed. Ms. Harvey agreed to contact Ms. Lynne Alfasso, AOC Staff for the Committee, to determine whether the Committee has considered the topic. Ms. Harvey will provide the status of the Committee's work regarding implicit bias at the May Board meeting. Judge Marinella informed the Board that Judge Marilyn Paja and Judge Anne Harper are DMCJA Representatives on the Committee. Judge Coburn further informed that she had to receive permission to view and share the implicit bias video.

F. DMCJA Finances – Whether to Reduce the Number of Banks holding DMCJA Funds

The discussion regarding whether to reduce the number of banks holding DMCJA funds will be tabled until the next Board meeting.

G. Access to Justice Newly Developed State Plan

Judge Maurer reported that the Access to Justice Board convened a group of civil legal aid providers in 2015 to design a plan to realize the vision that poverty is not an impediment to justice. The group developed a draft State Plan for the delivery of civil legal aid over the past fifteen months. The group requests feedback on its draft, which was provided in meeting materials, by April 17, 2017.

INFORMATION

- A. There are two vacant DMCJA Representative Positions for the Presiding Judge and Administrator Education Committee. Please contact Judge Marinella or Ms. Harvey if interested.
- B. There is a vacant DMCJA Representative Position for the WSBA Council on Public Defense Committee. Please contact Judge Marinella or Ms. Harvey if interested.
- C. The Washington State Association of Drug Court Professionals is hosting its annual drug court conference October 27, 2017, at the Southcenter DoubleTree Hotel in Seattle. Dr. Doug Marlowe will be the main speaker. This event is open to all therapeutic courts; therefore, courts of limited jurisdiction judges are welcome to attend. Janet Skreen, AOC Staff for SCJA, is the contact person; however, Ms. Harvey can also provide more information regarding the event.
- D. The Data Dissemination Committee (DDC) Violence Against Women Act (VAWA) Workgroup is looking for a DMCJA member to serve on their committee. Please contact Judge Marinella or Ms. Harvey if you are interested in joining the group. This information will also be sent out to the DMCJA Listserv.

OTHER BUSINESS

Judge Meyer informed that Ms. Melanie Stewart, DMCJA Lobbyist, is under the weather, and requested that the Board send her flowers. The Board agreed to send flowers by general consensus.

The next DMCJA Board Meeting is May 13, 2017, 11:10 a.m. to 1:00 p.m., at the Chrysalis Inn, Bellingham, WA.

ADJOURNED at approximately 3:07 PM.



WASHINGTON
COURTS

DMCJA Rules Committee

Wednesday, March 22, 2017 (Noon – 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Dacca
Judge Butterff
Judge S. Buzzard
Judge Fore
Judge Garrow
Judge Goodwin
Commissioner Hanlon
Judge Robertson
Judge Rozzano
Judge Samuelson
Judge Steiner
Judge Szambelan
Ms. Linda Hagert, DMCMA Liaison
Ms. Patti Kohler, DMCMA Liaison

AOC Staff:

Ms. J Benway

The meeting was called to order at 12:05 p.m.

The Committee discussed the following items:

1. Approve Minutes from February 22, 2017 Rules Committee meeting

It was motioned, seconded and passed to approve the minutes from the February 22, 2017 Rules Committee meeting as presented.

2. Discuss Potential Amendment to CrRLJ 3.2

Judge Szambelan stated that a question had been raised at Judicial College regarding the interplay between CrRLJ 3.2 and RCW 10.21.030. Judge Phillips provided a memo explaining the issue. The Committee determined that the language was subject to interpretation and no changes were needed at this time, particularly given the extent to which CrRLJ 3.2 has recently been amended.

3. Discuss Amendments to RALJ 4.1, 9.2, and 10.2, proposed by the WSBA

Judge Robertson, liaison to the WSBA Court Rules Committee, reported that a Subcommittee of the WSBA Rules Committee was reviewing the RALJ for potential amendments. Amendments to three of the administrative rules have been proposed, to RALJ 4.1(b), RALJ 9.2, and RALJ 10.2. The Committee discussed the proposed amendments. Judge Dacca stated that adding

language to RALJ 4.1(b) regarding stays, or a reference to RALJ 4.3(b) may be helpful. Judge Buzzard stated that prosecutors may be concerned about the change in RALJ 10.2 that a criminal appeal will no longer be deemed abandoned. Judge Robertson requested that any comments regarding the proposed amendments be sent to her. Judge Dacca stated that this matter would continue on next month's agenda.

4. Other Business and Next Meeting Date

The next Committee meeting is scheduled for noon on Wednesday, April 26, 2017.

There being no further business, the meeting was adjourned at 12:35 p.m.



WASHINGTON
COURTS

**BOARD FOR JUDICIAL ADMINISTRATION (BJA)
COURT EDUCATION COMMITTEE RETREAT**

FRIDAY, MARCH 24, 2017
9:00 A.M. – 3:00 P.M.
CEDARBROOK LODGE, SEATAC

----AGENDA----

9:00 A.M. – 9:45 A.M.	WELCOME	JUDGE JUDY RAE JASPRICA
	<ul style="list-style-type: none"> • INTRODUCTIONS • REVIEW OF THE DAY 	
9:45 A.M. – 10:15 A.M.	CEC COURT IMPROVEMENT PROJECT	JUDGE DOUG FAIR
	<ul style="list-style-type: none"> • BACKGROUND ON CEC WORK • OVERVIEW OF THE ROADMAP * 	
10:15 A.M. – 10:30 A.M.	BREAK	
10:30 A.M. – 11:15 A.M.	COMPONENTS OF EXEMPLARY COURT EDUCATION	MS. MARGARET YETTER JUDGE CHIP SMALL
	<ul style="list-style-type: none"> • COMPONENTS OF EXEMPLARY COURT EDUCATION • AT-A-GLANCE DOCUMENT * 	
11:15 A.M. – 12:00 NOON	EDUCATION APPROACHES ASSESSMENT	DEAN ANNETTE CLARK
	<ul style="list-style-type: none"> • REVIEW OF EDUCATIONAL APPROACHES MATRIX * • SMALL GROUP WORK 	
12:00 NOON – 12:45 P.M.	WORKING LUNCH	ALL
12:45 P.M. – 1:15 P.M.	SMALL GROUP EXERCISE DEBRIEF	ALL
1:15 P.M. – 2:00 P.M.	STRATEGIC PRIORITIES FOR COURT EDUCATION IMPROVEMENT	JUSTICE SUSAN OWENS MS. PAULA HOLTER-MEHREN
	<ul style="list-style-type: none"> • FIVE STRATEGIC PRIORITIES 	
2:00 P.M. – 2:15 P.M.	BREAK	
2:15 P.M. – 2:45 P.M.	COURT EDUCATION NETWORK	JUSTICE DEBRA STEPHENS HON. PEGGY SEMPRIMOZNIK
	<ul style="list-style-type: none"> • CEC FOCUS • ROLE OF THE EDUCATION COLLABORATIVE PARTNERS 	
2:45 P.M. – 3:00 P.M.	NEXT STEPS, WRAP-UP AND ADJOURNMENT	DR. JOHN MARTIN JUDGE JUDY RAE JASPRICA

* Handouts

LAKE FOREST PARK MUNICIPAL COURT, STATE OF WASHINGTON

IN THE MATTER OF LAKE FOREST PARK
MUNICIPAL COURT

No. 2017-001

ORDER DECLARING ORDINANCE NO. ___
AND CONTRACT TO TRANSFER JUDICIAL
POWER TO KING COUNTY
UNCONSTITUTIONAL AND VOID

I. INTRODUCTION

On _____, the Executive and Legislative branches of Lake Forest Park terminated this Court when it enacted Ordinance No. ___, which repealed Chapter 2.12 of the Lake Forest Park Municipal Code, and executed a contract to transfer this Court's judicial power to King County.

For the reasons discussed, Ordinance No. ___ and the contract to transfer this Court's judicial power to King County violate Washington's Constitution. Lake Forest Park's Executive and Legislative branches lack the constitutional authority to transfer Const. Art. IV, §1 judicial power from the Lake Forest Park Municipal Court to King County because this Court is a separate, independent and co-equal branch of Lake Forest Park government.

The Executive and Legislative branches' reliance on RCW 3.50.060 in support of Ordinance No. ___ and the contract to transfer this Court's judicial power to King County is flawed. RCW 3.50.060 authorizes a city or town to terminate its court only upon compliance with several statutes, including RCW 39.34.080.¹

RCW 39.34.080 authorizes a city or town to contract with another public agency when "each public agency entering into the contract is authorized by law to perform" any governmental service provided that the "contract shall be authorized by the governing body of each party to the contract."² This Court is the "governing body" of the judicial branch of Lake Forest Park government, and has not authorized the transfer of its judicial power to King County or any other entity.

Even if Lake Forest Park's Executive and Legislative branches are this Court's "governing body" as required by RCW 3.50.060 and 39.34.080, which they are not, Lake Forest

¹ RCW 3.50.060 requires compliance with RCW 3.50.805. RCW 3.50.805(1) provides that a "municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW..." concerning costs resulting from termination of the court.

² Emphasis added.

Park's non-judicial branches are not "authorized" by the Washington Constitution to transfer this Court's judicial power to another entity as required by RCW 3.50.060 and 39.34.080.

Const. Art. IV, §§1 and 12 delegate limited judicial power to the Legislature to transfer judicial power from one constitutional court (superior and district courts) to another constitutional court (municipal courts) by statutorily defining the jurisdiction and powers of municipal courts to which the Legislature deems it wise to transfer judicial power.³

This limited constitutional authority granted to the Legislature to transfer judicial power is not an original, inherent Const. Art. II legislative power. Rather, it is a power delegated from Const. Art. IV judicial powers which must be exercised only as described by Const. Art. IV, §§1 and 12. Unlike Const. Art. II legislative powers, the limited judicial power to establish and terminate municipal courts which is constitutionally delegated to the Legislature cannot again be delegated by the Legislature to municipalities.⁴

The Legislature, and only the Legislature, has the constitutional authority to establish Const. Art. IV, §§1 and 12 municipal courts, and to terminate municipal courts. Lake Forest Park's Executive and Legislative branches do not have this constitutional judicial power because they are not constitutionally "authorized by law" to transfer judicial power from Lake Forest Park's separate, independent and co-equal judicial branch to another entity as required by RCW 3.50.060 and 39.34.080.

This Court has done everything it could to persuade Lake Forest Park's Executive and Legislative branches from taking this action. The Court's attempts have been unsuccessful. Ordinance No. ___ and the contract to transfer this Court's judicial power to King County undermine the operation of this Court by terminating Lake Forest Park's Municipal Court.

Under Washington's Constitution, the executive and legislative branches of a municipality lack the constitutional authority to transfer any judicial power to another entity.⁵ Ordinance No. ___ and the contract to transfer this Court's Const. Art. IV, §§1 and 12 judicial power to King County violate Washington's Constitution.

This Court cannot fail to act. The ultimate power to interpret, construe and enforce Washington's Constitution belongs to Washington's judicial branch.⁶ Lake Forest Park

³ *In re Cloherty*, 2 Wash. 137, 139 (1891).

⁴ *In re Cloherty*, 2 Wash. at 142.

⁵ *In re Cloherty*, 2 Wash. 137 (1891).

⁶ *Seattle School Dist. No. 1 of King County v. State*, 90 Wn.2d 476, 496 (1978). All judicial power vests only in the

Municipal Court is a member of Washington's judicial branch.⁷ The duty of the judicial branch to say what the law is applies "even when that interpretation serves as a check on the activities of another branch or is contrary to the view of the constitution taken by another branch."⁸

Lake Forest Park's Executive and Legislative branches do not determine whether Ordinance No. ___ and the contract to transfer this Court's judicial power to King County are constitutional. This Court does. Further, the effect of this Court's judicial interpretation of the Constitution "may not be modified or impaired in any way" by Lake Forest Park's non-judicial branches.⁹

Established methods to dissuade the passage of Ordinance No. ___ and the contract to transfer this Court's judicial power to King County have failed. The attempted termination of this Court is clear, cogent and convincing proof¹⁰ that use of Const. Art. IV's inherent judicial power is necessary to preserve the separate, independent and co-equal judicial branch of Lake Forest Park government.

A judicial emergency exists. Accordingly, this Court invokes its Const. Art. IV inherent judicial power¹¹ and declares Ordinance No. ___ and the contract to transfer this Court's judicial power to King County to be unconstitutional and void.¹²

This Court will not abdicate its judicial duty to interpret the constitutionality of Ordinance No. ___ and the contract to transfer its judicial power to King County merely because this Court lacks the apparent available physical power. This Court is firmly convinced that Lake Forest Park's other branches of government will also carry out their defined constitutional duties in good faith and in a completely responsible manner.¹³

This Court remains established pursuant to Const. Art. IV, §§1 and 12, Chapter 3.50

courts created by Washington's Constitution. *In re Barbee*, 19 Wash. 306, 310 (1898); *Taylor v. Huntington*, 34 Wash. 455, 461 (1904).

⁷ Const. Art. IV, §§1,12; Chapter 3.50 RCW; Chapter 2.12 Lake Forest Park Municipal Code.

⁸ *In re Juvenile Director*, 87 Wn.2d 232, 241 (1976).

⁹ *Seattle School Dist. No. 1 of King County v. State*, 90 Wn.2d 476, 497 (1978).

¹⁰ *In re Juvenile Director*, 87 Wn.2d 232, 251 (1976).

¹¹ *In re Juvenile Director*, 87 Wn.2d 232, 249 (1976).

¹² *Marbury v. Madison*, 1 Cranch 137, 177, 5 U.S. 137, 2 L.Ed. 60 (1803) ("Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void.").

¹³ *Seattle School Dist. No. 1 of King County v. State*, 90 Wn.2d 476, 506 (1978).

RCW and Chapter 2.12 of the Lake Forest Park Municipal Code.¹⁴

The following is this Court's explanation to the public of the grounds for declaring Ordinance No. ___ and the contract to transfer this Court's judicial power to King County to be unconstitutional and void.

II. LAKE FOREST PARK'S JUDICIAL BRANCH

The City of Lake Forest Park is located in King County, Washington, at the north end of Lake Washington. Seattle, Shoreline, Mountlake Terrace, Brier and Kenmore are neighboring cities.

In 1961, citizens banded together to form and incorporate the Town of Lake Forest Park. "Incorporation gave residents a voice in how to accommodate themselves within the ever-expanding metropolitan ring."¹⁵ The first City Council met on June 22, 1961. Groundbreaking for the first Town Hall took place on August 1, 1963.¹⁶

Lake Forest Park's founders, envisioning the need for the town to have its own municipal court, wasted little time and established the Lake Forest Park Municipal Court in 1962. Lake Forest Park Municipal Court has operated as an independent and co-equal branch of Lake Forest Park government for 57 years.¹⁷

Chapter 2.12 of the Lake Forest Park Municipal Code reorganized¹⁸ the city's municipal court in 1984 pursuant to Chapter 3.50 RCW. All municipal court matters pending at that time were continued without change.¹⁹ Chapter 2.12 has remained in effect since 1984.

[Insert discussion about the city's repeal of Chapter 2.12 and contract with King County.]

[Query: Should the discussion be specific, including reasons why the repeal allegedly

¹⁴ Lake Forest Park Municipal Code 1.01.100 recognizes this Court's authority to declare any section of the code invalid or unconstitutional. Upon this Court's declaration today that Ordinance No. ___ and the contract to transfer its judicial power to King County are unconstitutional, 1.01.100 provides that "the original ordinance or ordinances shall be in full force and effect."

Accordingly, Chapter 2.12 of the Lake Forest Park Municipal Code which establishes this Court remains in full force and effect.

¹⁵ Lake Forest Park, WA – Official Website, History of Lake Forest Park – Government, <http://www.cityofflp.com/index.aspx?nid=249> (visited April 14, 2017).

¹⁶ *Id.*

¹⁷ Ordinance No. 23 (1962) (established Lake Forest Park Municipal Court), was repealed and replaced by Ordinance No. 321 (19___). Ordinance No. 321 was repealed and replaced by Ordinance No. 329 (1984), which remains codified in Chapter 2.12 of the Lake Forest Park Municipal Code.

¹⁸ Lake Forest Park Municipal Code 2.12.010; .020.

¹⁹ Lake Forest Park Municipal Code 2.12.020.

occurred? Public reasons vs. private? Should the court's attempts to dissuade the action be detailed? Do the reasons matter given the Order's analysis that the city lacks constitutional authority to terminate the court regardless of a potentially legislatively valid reason (cheaper to outsource and legislative branch responsible for expenditure of tax dollars) or invalid reason (disagree with judicial decision making, judicial personalities/staff, etc.)?]

III. PROTECTION OF INDIVIDUAL LIBERTY -- THE SEPARATION OF POWERS DOCTRINE

A bedrock principle of America's constitutional system is that governmental powers are divided between three co-equal branches of government – executive, legislative and judicial. Each branch is separate from yet dependent upon the other two, with each branch granted checks and balances concerning the other two to avoid the accumulation of power.²⁰ The ultimate purpose of this form of divided government is the “protection of individual liberty.”²¹

The first modern expression of the theory of separation of governmental powers occurred in eighteenth century England and France. John Locke, Henry St. John, Viscount Bolingbroke and Baron de Montesquieu were influential in the formation of the doctrine.²² Montesquieu described the doctrine's essence—

All would be lost if the same man or the same body of leaders, either of the nobles or of the people, exercised these three powers: that of making laws, that of executing the public resolutions, and that of judging criminal and civil cases.²³

By 1776, the theory of a balanced constitution had developed such that the separation of powers was the “only coherent constitutional theory upon which an alternative to colonial forms of government could be based.”²⁴

Due to its generality, the doctrine of separation of powers does not provide a definitive guide to intergovernmental relations. The doctrine is, however, “the dominant principle of the American political system.”²⁵ Despite the generality of the separation of powers doctrine, the

²⁰ *Carrick v. Locke*, 125 Wn.2d 129, 134-135 (1994).

²¹ *Spokane County v. State*, 136 Wn.2d 663, 673 (1998) (Sanders, J. dissenting, citing *Zylstra v. Piva*, 85 Wn.2d 743, 752-53 (1975)).

²² *In re Juvenile Director*, 87 Wn.2d 232, 238 (1976).

²³ W. GWYN, THE MEANING OF THE SEPARATION OF POWERS 110 (1965).

²⁴ *In re Juvenile Director*, 87 Wn.2d at 239.

²⁵ *In re Juvenile Director*, 87 Wn.2d at 240 (quoting G. WOOD, THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787, 449 (Norton Library ed. 1969)).

doctrine “is currently notable not for its demise, but ... for its extraordinary resilience.”²⁶

The doctrine of separation of powers “serves mainly to ensure that the fundamental functions of each branch remain inviolate”²⁷ to “guarantee the totality of governing power is not concentrated in singular hands.”²⁸

The American experience with enforcing the separation of powers, however, has not been absolute. At times, courts must intervene in the operation of other branches since complete separation of the branches was never intended, and to the contrary overlapping functions were deliberately created.²⁹

This overlapping of functions allows for a scheme of checks and balances which evolved along with the separation of powers doctrine.

Basic to the constitutional structure established by the Framers was their recognition that “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” The Federalist No. 47, p. 300 (H. Lodge ed. 1888) (J. Madison).

To ensure against such tyranny, the Framers provided that the Federal Government would consist of three distinct Branches, each to exercise one of the governmental powers recognized by the Framers as inherently distinct. “The Framers regarded the checks and balances that they had built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other.”

The Federal Judiciary was therefore designed by the Framers to stand independent of the Executive and Legislature – to maintain the checks and balances of the constitutional structure, and also to guarantee that the process of adjudication itself remained impartial...

The Court has only recently reaffirmed the significance of this feature of the Framers’ design: “A Judiciary free from control by the Executive and Legislature is essential if there is a right to have claims decided by judges who are free from potential domination by other branches of government.”³⁰

The separation of government into three distinct branches, with a system of checks and

²⁶ *In re Juvenile Director*, 87 Wn.2d at 240 (quoting FROHNMEYER, THE SEPARATION OF POWERS: AN ESSAY ON THE VITALITY OF A CONSTITUTIONAL IDEA, 52 Ore.L.Rev. 211, 216 (1973)).

²⁷ *Carrick v. Locke*, 125 Wn.2d 129, 135 (1994).

²⁸ *Spokane County v. State*, 136 Wn.2d 663, 673 (1998) (Sanders, J. dissenting, citing *Carrick v. Locke*, 125 Wn.2d 129, 134-35 (1994)).

²⁹ *In re Juvenile Director*, 87 Wn.2d at 241-42.

³⁰ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858, 2864-65, 73 L.Ed.2d 598 (1982) (Bankruptcy Act of 1978 held unconstitutional because it endowed non-Article III bankruptcy judges with Article III powers.) (citations omitted).

balances in each branch over the other two, operates to protect the independence of each branch to better secure liberty and ensure a workable government.

Legislative control over appropriations, the executive power to veto, and the judicial authority to declare legislative and executive acts unconstitutional. Taken together these devices constitute a delicate balance, described by Justice Jackson, concurring in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635, 72 S.Ct. 863, 870, 96 L.Ed. 1153 (1952):

The actual art of governing under our Constitution does not and cannot conform to judicial definitions of the power of any of its branches based on isolated clauses or even single Articles torn from context. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy by reciprocity.³¹

The doctrine of separation of powers with its system of checks and balances, however, is not confined to the federal Constitution. Washington's Constitution, much like its federal counterpart, does not contain a formal separation of powers clause yet has been held to be clearly intended by the drafters of Washington's Constitution.

Nonetheless, the very division of our government into different branches has been presumed throughout our state's history to give rise to a vital separation of powers doctrine.

The validity of this doctrine does not depend on the branches of government being hermetically sealed off from one another. The different branches must remain partially intertwined if for no other reason than to maintain an effective system of checks and balances, as well as an effective government.³²

Similar to the federal Constitution, Washington's Constitution also divides governmental authority into three branches – executive, legislative, and judicial – and “[e]ach branch of government wields only the power it is given.”³³ This constitutional division of Washington government is for the protection of individuals “against centralized authority and abuses of power.”³⁴

Washington recognizes the separation of powers doctrine by vesting in its Constitution

³¹ *In re Juvenile Director*, 87 Wn.2d at 242-43 (citations omitted).

³² *Carrick v. Locke*, 125 Wn.2d at 134-35 (citations omitted).

³³ *State v. Rice*, 174 Wn.2d 884, ¶29 (2012) (A Washington prosecutor's broad charging discretion is part of the inherent authority granted to prosecuting attorneys as executive officers under Washington's Constitution. Const. Art. III, §1 and Const. Art. XI, §5. Accordingly, while the legislature may fashion the duties of prosecuting attorneys, the legislature cannot constitutionally interfere with the core functions that make them “prosecuting attorneys” in the first place, nor can prosecutors cede this fundamental power to the legislative branch by consent.) (citation omitted).

³⁴ *Id.* (citations omitted).

the “judicial power of the state” in a separate branch of government – the Article IV judicial branch.³⁵ Const. Art. IV, §1 provides –

SECTION 1 JUDICIAL POWER, WHERE VESTED. The judicial power³⁶ of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

From the judicial branch perspective, the separation of powers doctrine manifests itself through institutional and decisional judicial independence from the executive and legislative branches. The parameters of judicial independence will be discussed next.

IV. WASHINGTON COURTS POSSESS INHERENT CONSTITUTIONAL POWER TO ENSURE THEIR OWN SURVIVAL

In Federalist No. 78, Alexander Hamilton discussed his belief that the judiciary would always be the weakest and least dangerous of the three branches of power because the judiciary has no power over the sword or purse, and is thus the most dependent of the branches.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them.

The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever.

³⁵ *Zylestra v. Piva*, 84 Wn.2d 743, 754 (1975).

³⁶ The term “judicial power” is not capable of a precise definition. The power to hear and determine all suits and actions, whether private or public, is certainly included, “but does not exhaust the power.” *Bellingham Bay Improvement Co. v. City of New Whatcom*, 20 Wash. 53, 58, *affirmed*, 20 Wash. 231 (1898) (Const. Art. IV, §1 does not apply to quasi-judicial proceedings conducted by administrative and executive bodies.).

See also *Mills v. Western Washington University*, 170 Wn.2d 903, ¶¶20-21 (2011) (Const. Art. IV, §1’s term “judicial power” and Const. Art. I, §10’s open courts’ requirement do not apply to actions occurring through the Administrative Procedures Act, chapter 34.05 RCW.).

Const. Art. IV, §1 has been found to include many inherent powers which reside with the judicial branch in addition to the doctrines of separation of powers, checks and balances, and judicial independence. See e.g. *Washington State Highway Commission v. Pacific Northwest Bell Telephone Co.*, 59 Wn.2d 216, 222 (1961) (“The construction of the meaning and scope of a constitutional provision is exclusively a judicial function.”).

See also *In re Bruen*, 102 Wash. 472, 476 (1918) (“The inherent power of the court is the power to protect itself; the power to administer justice whether any previous form of remedy had been granted or not; the power to promulgate rules for its practice; and the power to provide process where none exists. It is true that the judicial power of this court was created by the Constitution, but upon coming into being under the Constitution, this court came into being with inherent powers. Among the inherent powers is the power to admit to practice, and necessarily therefrom the power to disbar from practice, attorneys at law.”); and *Wyman v. Wallace*, 94 Wn.2d 99, 101-2 (1980) (The court has the inherent power to modify or abolish common law causes of action, including the action of alienation of a spouse’s affections.).

It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments...

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive.

Hamilton also warned in Federalist No. 78 that, unless the judiciary was independent of the executive and legislative branches, there would be no liberty because the judiciary would be subservient to the other two branches³⁷ –

For I agree, that “there is no liberty, if the power of judging be not separated from the legislative and executive powers ...”

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void.³⁸ Without this, all the reservations of particular rights or privileges would amount to nothing.

The constitutional system of checks and balances requires that all three branches be committed to maintain a spirit of reciprocity and interdependence. If checks by one branch undermine the operation of another branch or undermine the rule of law, the checks imposed by the offending branch are improper and a destructive exercise of that branch’s authority.³⁹ This is especially true concerning checks by the legislative and executive branches placed upon the judicial branch.

Although the judiciary possesses authority to check the arbitrary or unconstitutional

³⁷ The idea of an independent tribunal is far more ancient than the Due Process clause. In Aeschylus’ *Eumenides* (458 B.C.) Apollo directs Orestes, pursued by the Furies for killing his mother, to go to Athens (“and there find judges of the matter”). Eum 81-82. Orestes was later acquitted. *State v. Moreno*, 147 Wn.2d 500, 507 n.2 (2002) (While it may be unfair for a judge to don executive and judicial hats at the same time, a trial court does not violate the separation of powers doctrine or Due Process by adjudicating a traffic infraction hearing without a prosecutor present.).

³⁸ See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177-78, 2 L.Ed. 60 (1803) (“It is emphatically the province and duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule. If two laws conflict with each other, the Courts must decide on the operation of each.”).

³⁹ *In re Juvenile Director*, 87 Wn.2d 232, 243 (1976).

exercise of power by legislative and executive branches, it is the only branch excluded from participation in the formulation and adoption of the government budget. Such exclusion makes the courts vulnerable to improper checks in the form of reward or retaliation. A historical parallel may be drawn to the use of the King's purse to obtain the loyalty of Parliament – a practice violative of even the then nascent notion of separation of powers. Judicial freedom from improper influence is essential.

The reason for the independence of the judiciary ... and incidentally of juries, is not that they perform a judicial function, an expression to which it is very difficult to give a precise meaning. The argument for the independence of the judge is that in performing his function of rule-interpretation he should not be subject to pressure that would cause him to vary the meaning of the rules to suit the views of the persons affected by them, and that in ascertaining 'facts' he will not be influenced by consideration of expediency. It is an essential element in the maintenance of that stability and predictability of the rules which is the core of constitutionalism.

M.J.C. VILE, CONSTITUTIONALISM AND THE SEPARATION OF POWERS 328-29 (1967).⁴⁰

For this reason, an inseparable element of the system of checks and balances is the constitutional protection of the independence of the judicial branch from control by the executive or legislative branches.

As an inseparable element of the constitutional system of checks and balances, and as a guarantee of judicial impartiality, Art. III both defines the power and protects the independence of the Judicial Branch. It provides that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Art. III, §1. The inexorable command of this provision is clear and definite. The judicial power of the United States must be exercised by courts having the attributes prescribed in Art. III.⁴¹

Further evidence of the Framers' concern for guaranteeing judicial branch independence can be found during the Constitutional Convention when a proposal to allow the removal of judges by the executive and legislative branches was soundly defeated.⁴²

The United States Supreme Court emphasized the importance of judicial independence by requiring the independence of the judiciary to be "jealously guarded..."

In sum, our Constitution unambiguously enunciates a fundamental principle – that the "judicial Power of the United States" must be reposed in an independent Judiciary. It commands that the independence of the Judiciary be jealously guarded, and it provides clear institutional protections for that independence.⁴³

⁴⁰ *In re Juvenile Director*, 87 Wn.2d at 244-46 (1976) (holding it "axiomatic" that courts have the inherent power to compel the expenditure of public funds for their own operation).

⁴¹ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2865.

⁴² *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2865, n.11.

⁴³ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2866.

The Framers' belief over 225 years ago that a judiciary independent from the executive and legislative branches was an "essential tool in guarding the Constitution and the rights of individuals" remains true today.⁴⁴

Judicial independence requires a judge to commit to following the Constitution, the statutes, common law principles, and precedent without intrusion from or intruding upon other branches of government.⁴⁵

How then does one determine whether actions taken by the executive and/or legislative branches invade a court's judicial independence?

The American Judicature Society⁴⁶ defines judicial independence as follows—

Judicial independence is a concept that expresses the ideal state of the judicial branch of government. The concept encompasses the idea that individual judges and the judicial branch as a whole should work free of ideological influence. Scholars have broken down the general idea of judicial independence into two distinct concepts: decisional independence and institutional, or branch, independence.

Decisional independence refers to a judge's ability to render decisions free from political or popular influence based solely on the individual facts and applicable law.

Institutional independence describes the separation of the judicial branch from the executive and legislative branches of government.⁴⁷

Our Supreme Court has made clear that the importance of protecting any Washington court's judicial independence cannot be overstated.

Our state Constitution contains separate provisions establishing the Legislative Department (Article II), the Executive (Article III), and the Judiciary (Article IV) and, as such, provides for this separation of functions...

The importance of judicial independence and the need for the judiciary, as well as the other two branches, to maintain effective control over their respective affairs cannot be overstated. As we recognized in *Zylstra*, the judiciary has, on appropriate occasions, declined to intrude upon the integral functions of the legislative and executive branches. Likewise, we have required that the other branches of government keep distant from the

⁴⁴ *In re Hammermaster*, 139 Wn.2d 211, 233 (1999).

⁴⁵ *In re Hammermaster*, 139 Wn.2d at 234.

⁴⁶ Founded in 1913 as an "independent, non-partisan, membership organization working nationally to protect the integrity of the American justice system," the American Judicature Society dissolved in 2014 due to lack of membership and funding. AMERICAN JUDICATURE SOCIETY, *Home-Welcome*, <https://www.ajs.org/index/php/> (visited October 29, 2015).

Chief Justice Barbara A. Madsen noted the importance of entities such as the American Judicature Society that focus on the importance of judicial independence. CHIEF JUSTICE BARBARA A. MADSEN, *"Dedication and Collaboration Essential for Strong, Successful Judicial Branch,"* FULL COURT PRESS FALL 2015 (Washington State Administrative Office of the Courts), at 3.

⁴⁷ AMERICAN JUDICATURE SOCIETY, *What is Judicial Independence?—Summary*, <http://www.ajs.org/judicial-administration/judicial-independence/news-and-resources/what-is-judicial-independence/> (visited October 29, 2015) (emphasis added).

inherent functions of the judicial branch.⁴⁸

At times, the Supreme Court has refused to interfere with the executive and legislative branches of government, but has “insisted that those branches do not usurp the functions of this one”⁴⁹ because the judiciary must be able to ensure its own survival.

To do so, courts possess inherent power, that is, authority not expressly provided for in the Constitution but which is derived from the creation of a separate branch of government and which may be exercised by the branch to protect itself in the performance of its constitutional duties.⁵⁰

When a court must use its inherent power to ensure its survival, the court must clearly communicate and demonstrate to the public the grounds for the court’s action. Accordingly, the highest burden of proof in civil cases is imposed on the judiciary when it seeks to exercise its inherent power under the separation of powers doctrine – clear, cogent and convincing proof.⁵¹

V. WASHINGTON’S MUNICIPAL COURTS WERE CREATED BY THE CONSTITUTION, AND ARE ARTICLE IV COURTS

During America’s colonial period, the primary unit of most local government was the county. Although not nationally uniform, counties generally “handle such state-directed functions as the administration of justice.”⁵² Washington’s Constitution vests superior courts at the county level with general jurisdiction over most conflicts involving state law. Const. Art. IV, §§5, and 6.⁵³

When Washington was a territory, a justice of the peace had jurisdiction to try a defendant for certain criminal offenses.⁵⁴ At the time the Washington Constitution was adopted, it was taken for granted that the legislature lacked the inherent legislative power to create municipal courts because the organic act only authorized courts specifically listed in the act, and did not include municipal courts.

While Washington was yet a territory, although it was not held by any of the territorial

⁴⁸ *Spokane County v. State*, 136 Wn.2d 663, 667-68 (1998) (citations omitted).

⁴⁹ *Zylstra v. Piva*, *id.* (citations omitted).

⁵⁰ *In re Juvenile Director*, 87 Wn.2d at 245 (emphasis added).

⁵¹ *In re Juvenile Director*, 87 Wn.2d at 251. Four members of the Supreme Court would have placed the burden of proof as a preponderance of the evidence. *In re Juvenile Director*, 87 Wn.2d at 252-53 (Stafford, C.J. concurring, joined by Rosellini, Wright and Brachtenbach, JJ.)

⁵² *City of Auburn v. Gauntt*, 174 Wn.2d 321, ¶6 (2012) (citations omitted).

⁵³ *Id.*

⁵⁴ *State v. Gleason*, 15 Wash. 509, 510-11 (1896).

courts, the legislature never attempted to create municipal courts, it being taken for granted that the organic act forbade the exercise of that power by prescribing that the judicial power of the territory should be vested in certain courts therein named.⁵⁵

Washington's Constitution created several types of constitutional courts, including municipal courts.⁵⁶ Const. Art. IV, §1 reads—

SECTION 1 JUDICIAL POWER, WHERE VESTED. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior⁵⁷ courts as the legislature may provide.

All judicial power vests only in the courts created by the Constitution.⁵⁸

The state of Washington is a sovereign whose written Constitution is her visible charter. By the Constitution all judicial power (which is a distinct branch of the sovereignty) is vested in the courts therein created, independently of all legislation. The jurisdiction of those courts is universal, covering the whole domain of judicial power, even to that growing out of the supposed existence of municipal ordinances.⁵⁹

Inferior courts were constitutionally created in 1889⁶⁰ by the people's ratification of Const. Art. IV, §12, which reads—

SECTION 12 INFERIOR COURTS. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

This constitutional provision delegates to the legislature limited authority to transfer portions of judicial power from one constitutional court (superior and district courts) to another (inferior courts).

But to the legislature of the state the Constitution delegates authority to transfer from one of the constitutional courts to another certain limited portions of the judicial power, and it may also provide new, inferior courts, not specifically mentioned in the Constitution, to

⁵⁵ *In re Cloherty*, 2 Wash. 137, 140 (1891).

⁵⁶ "The Constitution authorized the creation of the municipal court, and authorized the legislature to prescribe its jurisdiction and powers." *State v. Gleason*, 15 Wash. 509, 511 (1896).

⁵⁷ Municipal courts are Const. Art. IV, §§1 and 12 "inferior" courts. RCW 3.50.010. Justice of the peace courts are now named district courts. RCW 3.30.015; *In re Eng*, 113 Wn.2d 178, 185-86 (1989) (Court Improvement Act of 1984 converted justices of the peace into the district court system. Held: Seattle Municipal Court is an "inferior court," not a district court, so unlike with district courts, the legislature may constitutionally delegate to a city the power to add additional judges pursuant to Const. Art. IV, §12.).

⁵⁸ *In re Barbee*, 19 Wash. 306, 310 (1898); *Taylor v. Huntington*, 34 Wash. 455, 461 (1904).

⁵⁹ *In re Cloherty*, 2 Wash. at 139.

⁶⁰ "This Constitution was framed by a convention of seventy-five delegates, chosen by the people of the Territory of Washington at an election held May 14, 1889, under section 3 of the Enabling Act. The convention met at Olympia on the fourth day of July, 1889, and adjourned on the twenty-second day of August, 1889. The Constitution was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with section 8 of the Enabling Act, the president of the United States proclaimed the admission of the State of Washington into the Union." Introduction to the Constitution of the State of Washington.

which may be assigned such part of the inferior judicial power as it may deem wise to transfer.

In re Cloherty, 2 Wash. 137, 139 (1891).⁶¹

Significantly, the legislative power to establish inferior courts is not an original, inherent power of the legislative branch of government. Rather, it is a constitutionally delegated judicial power which the legislature may not subsequently delegate.

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.⁶²

The facts in *Cloherty* are instructive. In 1890, the people of the city of Tacoma adopted a municipal charter pursuant to state law. A provision in the charter established a police court. Joseph Cloherty was convicted of assault and battery and sentenced to six months in jail by the Tacoma city court. Cloherty sought *habeas corpus* relief, asserting that the Tacoma court had no legal existence, and therefore no jurisdiction to arraign, try, or convict him.

The Supreme Court agreed, holding that the Tacoma court had no legal existence because (1) the legislature had not established the court's jurisdiction and powers as authorized by Const. Art. IV, §12, and (2) the legislature lacked the constitutional authority to delegate the transfer of judicial power to Tacoma so it could establish its new court by charter. The Supreme Court ordered Cloherty to be released.

The natural conclusion from this premise would be that a court for the administration of municipal ordinances must have been created by an act of the legislature.⁶³

On February 28, 1891, eight days after *Cloherty* was issued, the legislature established an inferior court system for cities with populations over 20,000.⁶⁴

VI. ENABLING LEGISLATION ESTABLISHING ARTICLE IV MUNICIPAL COURTS

As previously discussed, Washington's Constitution created inferior courts in Const. Art.

⁶¹ *Cloherty's* discussion concerns inferior courts created by Const. Art. IV, §12. *In re Eng*, 113 Wn.2d 178, 187-88 (1989).

⁶² *In re Cloherty*, 2 Wash. at 142 (emphasis added).

⁶³ *In re Cloherty*, 2 Wash. at 139.

⁶⁴ *In re Eng*, 113 Wn.2d 178, 187 (1989) (Laws of 1891, ch. 64).

IV, §12, but delegated limited authority to the legislature to determine what if any judicial jurisdiction and powers should be transferred to inferior courts from superior and justice of the peace courts.⁶⁵

Const. Art. IV, §12 reads—

SECTION 12 INFERIOR COURTS. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.⁶⁶

The history of Washington's courts of limited jurisdiction is set forth in Chapter 1 of JUDGE LINDA S. PORTNOY, WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION (LexisNexis 2015).⁶⁷

The cornerstone of Washington's courts of limited jurisdiction prior to 1961 was the justice of the peace, as authorized by Const. Art. IV, §10 and RCW 3.04 to 3.28. Municipal police courts were authorized by chapter 35 RCW.⁶⁸

Only municipal courts in cities with a population over 400,000 were authorized to impanel juries. Police court judges in first and third class cities, and in towns, were appointed from among the regularly elected county justices of the peace. Municipal judges in cities over 400,000 and police court judges in second class cities were directly elected.⁶⁹

Municipal courts in cities with a population over 400,000 had concurrent jurisdiction with superior court judges and justices of the peace, and could serve as magistrates in preliminary hearings. These statutes intermingled the authority and functions of county justices

⁶⁵ The mandatory minimum qualifications of Washington's courts of limited jurisdiction judicial officers have evolved since statehood. See *Taylor v. Huntington*, 34 Wash. 455, 462 (1904) ("The reason why verity is imputed to the judgment of courts that are called 'courts of general jurisdiction,' or 'courts of record,' as distinguished from courts of limited jurisdiction, or inferior courts or tribunals, doubtless is that courts of the first class are presided over by men who are presumed to be learned in the law, aided and advised by practitioners who are also learned in the law, while courts of the other class are presided over by men of more limited learning and experience.").

⁶⁶ Underlined emphasis added. The legislature is not empowered to make a municipal court a court of record. *Seattle v. Filson*, 98 Wn.2d 66, 68-69 (1982), *overruled on other grounds by In re Eng*, 113 Wn.2d 178, 188-89 (1989). District courts are not courts of record. Const. Art. IV, §11.

⁶⁷ See also CARIN M. JOHNSON, A HISTORY OF COURT REFORM IN WASHINGTON FROM STATEHOOD TO THE PRESENT, 1889-1995 (REVISED TO INCLUDE COURT REFORM EFFORTS THROUGH 2002) (Summer 1995), prepared for the Walsh Commission on Judicial Selection (1996).

⁶⁸ See RCW 35.20.010 (cities over 400,000); RCW 35.22.420 (cities of first class), repealed by laws of 1984, ch. 258, §132; RCW 35.23.590 (cities of second class), repealed by laws of 1984, ch. 258, §133; RCW 35.24.450 (cities of third class), repealed by laws of 1984, ch. 258, §134; and RCW 35.27.520 (towns), repealed by laws of 1984, ch. 258, §134.

State v. Milroy, 71 Wash. 592, 595 (1913) (Courts established by the legislature shall in fact and in law be inferior courts. The legislature has done so with the establishment of police courts in second class cities.).

⁶⁹ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. 762, 763 (1980).

of the peace and municipal court judges, and limited the cities' power to regulate municipal courts.⁷⁰

By 1961, one commentator noted the "confusion and useless but tricky differences in the rules of procedure in the various inferior courts."⁷¹

In 1961, as part of an effort to make the court of limited jurisdiction system uniform, the legislature passed the Justice Court Act, which required a total reorganization of a county's justice and municipal court system.⁷² The act was mandatory for class AA and class A counties,⁷³ and optional for any other county by vote of its county commissioners. The 1961 act was separate and mutually exclusive from the justice of the peace statutes.⁷⁴ Two of the strongest features of the act were provisions authorizing the Supreme Court to adopt rules of procedure for justice of the peace courts, and ending fee payments to justices of the peace generated from court rulings.⁷⁵

The type of municipal court a city could maintain depended upon whether the county in which the city was located participated in the new district court system. Cities in those participating counties had to abandon their courts previously authorized by chapter 35 RCW, and select between the alternatives provided in the 1961 act. Cities in counties which retained the older justice of the peace system could establish a municipal court pursuant to chapter 35 RCW.⁷⁶

Although the Justice Court Act of 1961 brought uniformity to justice of the peace county courts, it did not standardize inferior courts.⁷⁷

⁷⁰ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 764, citing *Massie v. Brown*, 84 Wn.2d 490, 493 (1974) (A city's adoption of a home rule charter pursuant to Const. Art. XI, §10 does not grant the city the power to establish or regulate traffic courts. "[S]uch courts can be created only by the legislature and they can be regulated by municipal corporations only to the extent that the legislature has delegated that power.")

⁷¹ STEVENS, JUDICIAL ADMINISTRATION: WASHINGTON LEGISLATION – 1961, 36 Wash.L.Rev. 297, 299 (1961).

⁷² RCW 3.30 – 3.74. The Justice Act of 1961 contained 132 sections and was divided into 12 separate chapters. While not willing to rule that all aspects of the 1961 act were in conformity with Washington's Constitution, the Supreme Court held that the act did not improperly delegate the Const. Art. IV, §10 requirement mandating the legislature must determine the number of justices of the peace. *Long v. Odell*, 60 Wn.2d 151, 155 (1962).

⁷³ At the time, the act was mandatory for King, Pierce and Spokane counties, although in those three counties any city with a population more than 500,000 or fewer than 20,000 could establish its own municipal court.

⁷⁴ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 764 (citation omitted).

⁷⁵ JUDGE LINDA S PORTNOY, WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION, at 1-5 (LexisNexis 2015).

⁷⁶ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 766-67.

⁷⁷ JUDGE LINDA S. PORTNOY, WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION, at 1-4

In 1967, the legislature passed the Optional Municipal Code, chapter 35A RCW. The act was intended to confer to municipalities “the broadest powers of local self-government consistent with the Constitution of this state”⁷⁸ which were previously unavailable under chapter 35 RCW.⁷⁹ The 1967 act also provided for municipal courts in code cities, with some limitations.⁸⁰

By 1984, the legislature recognized that Const. Art. IV, §§1 and 12 municipal court statutory reform was needed due to the confusing nature of the multitude of statutes governing those courts.

The legislature finds that there is a multitude of statutes governing the municipal courts of the state. This situation is confusing and misleading to attorneys, judges, court personnel, and others who work with the municipal courts. The legislature therefore finds that a reorganization of the municipal courts of the state would allow those courts to operate in a more effective and efficient manner. This chapter provides a court structure which may be used by cities and towns with a population of four hundred thousand or less which choose to operate under this chapter.⁸¹

Accordingly, the legislature enacted the Court Improvement Act of 1984⁸² to standardize Washington’s municipal courts. The purpose of the 1984 act was to reorganize Washington’s municipal courts in an effort to eliminate confusion over police court judges and justices of the peace, which would allow such courts to operate in a more effective and efficient manner.⁸³

The Court Improvement Act of 1984 (1) stated that municipal courts were Const. Art. IV, §12 inferior courts,⁸⁴ and (2) required cities previously operating municipal courts under chapters 35 or 35A RCW to take affirmative steps no later than January 1, 1985 to establish either a municipal court pursuant to chapter 3.50 RCW as amended by the 1984 act, or to establish a municipal department of a district court under chapter 3.46 RCW.⁸⁵

(LexisNexis 2015).

⁷⁸ RCW 35A.01.010.

⁷⁹ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 765.

⁸⁰ RCW 35A.20.010; *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 765-66.

⁸¹ RCW 3.50.005 (Laws of 1984, ch. 258, §101).

⁸² Laws of 1984, ch. 258.

⁸³ The 1984 act converted “justices of the peace” and “police courts” into the current district and municipal court system, which now provides for two types of judges – “municipal court judges” and “district court judges.” *In re Eng*, 113 Wn.2d 178, 185-86 (1989).

⁸⁴ RCW 3.50.010 (Laws of 1984, ch. 258, §103) (“Any city or town with a population of four hundred thousand or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled ‘The Municipal Court of _____ (insert name of city or town)’ ...”).

⁸⁵ RCW 3.50.007 (Laws of 1984, ch. 258, §102, repealed by Laws of 2008, ch. 227, §12(21)). See *City of Spokane*

Lake Forest Park chose to operate this Court pursuant to Chapter 35 RCW with its adoption of Chapter 2.12 of the Lake Forest Park Municipal Code as contemplated by the Court Improvement Act of 1984.⁸⁶

Today, Washington's municipal courts are established under one of two statutes based upon the population of the municipality. Chapter 3.50 RCW authorizes the establishment of municipal courts by ordinance for cities or towns with a population of 400,000 or less.⁸⁷ Chapter 35.20 RCW establishes a municipal court for every city with a population over 400,000.⁸⁸

Lake Forest Park Municipal Court is an Article IV court, and a member of Washington's judicial branch of government.

VII. AN ARTICLE IV MUNICIPAL COURT IS A SEPARATE AND CO-EQUAL INDEPENDENT BRANCH OF CITY GOVERNMENT

What are the constitutional implications when a Washington city or town, pursuant to statute, enacts an ordinance establishing a municipal court?

Const. Art. IV, §1 vests all the judicial power of the state of Washington in the constitutional courts listed therein, independently of any legislation.⁸⁹ Const. Art. IV, §1, by its very language, includes inferior courts.

In America's tripartite system of government, the doctrines of separation of powers and checks and balances are embedded in the Constitution as the dominant principle of the American political system. The ultimate purpose of this form of divided, separate but equal branches of government is for the protection of individuals against centralized authority and abuses of power.⁹⁰

These principles apply to Washington's Supreme Court, Court of Appeals, superior courts, district courts and municipal courts. The principles are not diluted simply because

v. County of Spokane, 158 Wn.2d 661 (2006) for the process a municipality must follow to terminate a municipal department of the county district court.

⁸⁶ Ordinance No. 329, effective January 1, 1985, and codified in 2.12.010.

⁸⁷ RCW 3.50.010.

⁸⁸ RCW 35.20.010. Chapter 35.20 RCW currently applies only to Seattle.

⁸⁹ *In re Cloherty*, 2 Wash. 137, 139 (1891).

⁹⁰ *State v. Rice*, 174 Wn.2d 884, ¶29 (2012); *In re Juvenile Director*, 87 Wn.2d 232, 242-43 (1976); Federalist No. 78.

municipal courts are courts of limited jurisdiction. Municipal courts are constitutional courts.⁹¹

Const. Art. IV, §§1 and 12 delegate limited authority to the legislature to transfer judicial power from one constitutional court (superior and district courts) to another constitutional court (municipal courts) by statutorily defining the jurisdiction and powers of municipal courts to which the legislature deems it wise to transfer judicial power.⁹²

This limited legislative authority to transfer judicial power is not an original, inherent legislative power. Rather, it is a delegated power which must be exercised as described by the Constitution, and as such cannot again be delegated by the legislature to municipalities.⁹³

The legislature has deemed it wise pursuant to Const. Art. IV, §§1 and 12 to transfer some judicial power from superior and district courts to inferior courts, which the legislature decided to call municipal courts.⁹⁴ Any city or town with a population of 400,000 or less may choose to establish a municipal court by enacting an ordinance.⁹⁵

Superior and district courts are members of Washington's judicial branch of government, independent from yet co-equal with Washington's executive and legislative branches at the state and county level. The doctrines of separation of powers, checks and balances and judicial independence originally vested in superior and district courts are also transferred to the new municipal court pursuant to those constitutional provisions.

These constitutional safeguards possessed by superior and district courts exist to protect individual liberty against centralized authority and abuses of power. These safeguards are not somehow extinguished by the transfer of judicial power from these courts to municipal courts because the legislature lacks the constitutional authority to impinge on the judicial independence of Article IV courts.

As envisioned by Washington's Constitution, municipal courts are not municipal departments subject to the whims of and obedience to city councils and mayors. The moment a city or town chooses to establish its municipal court by ordinance, all constitutional judicial power is automatically transferred from superior and district courts to that new municipal court pursuant to Const. Art. IV, §§1 and 12. Cloaked with all the constitutional judicial power

⁹¹ *Spokane v. State*, 136 Wn.2d 663, 667-68 (1998).

⁹² *In re Cloherty*, 2 Wash. at 139.

⁹³ *In re Cloherty*, 2 Wash. at 142.

⁹⁴ RCW 3.50.010 (Court Improvement Act of 1984); *In re Eng*, 113 Wn.2d 178, 185-86 (1989).

⁹⁵ *Id.*

transferred from superior and district courts, the new municipal court immediately becomes a separate, independent and third co-equal branch of city government.

A contrary position lacks constitutional and case law support. The Const. Art. IV, §§1 and 12 analysis by our Supreme Court in *In re Cloherty*⁹⁶ is clear. Cities do not have the inherent power to establish municipal courts nor the power to define a municipal court's jurisdiction and powers.

Further, the legislature only has limited constitutional authority to transfer judicial power from one Article IV court to another Article IV court. A city's executive and legislative branches lack any constitutional power to diminish much less eliminate the sovereignty of any of Washington's constitutional courts, including a city's municipal court.

VIII. LEGISLATION AUTHORIZING A CITY MAYOR AND COUNCIL TO TERMINATE THE CITY'S ESTABLISHED ARTICLE IV MUNICIPAL COURT

The Justice Court Act of 1961 authorized a municipality to terminate its previously established municipal court "by ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter."⁹⁷ The Court Improvement Act of 1984 enacted additional statutes concerning termination of a municipal court.⁹⁸

Counties are generally responsible for the expenses of administering criminal laws within their boundaries.⁹⁹ The Court Improvement Act of 1984 attempted to apportion the expenses of prosecuting criminal offenses by prohibiting a city from repealing its criminal code "in its entirety" to avoid the imposition of additional criminal justice system costs on county government.¹⁰⁰

Despite the passage of the Court Improvement Act of 1984, cities and counties continued

⁹⁶ *In re Cloherty*, 2 Wash. at 139.

⁹⁷ RCW 3.50.060 (Laws of 1961, ch. 299, §55).

⁹⁸ RCW 3.50.805 (population of 400,000 or less) (Laws of 1984, ch. 258, §203); RCW 35.20.010(2) (population more than 400,000) (Laws of 1984, ch. 258, §201).

⁹⁹ *State v. Agren*, 32 Wn.App. 827 (1982) (Counties, and not the State, are liable for appellate costs incurred by a successful non-indigent criminal defendant.). But see *City of East Wenatchee v. Douglas County*, 156 Wn.App. 523 (2010) (City responsible for juvenile detention expenses incurred by using a juvenile facility 3 miles away but in another county, after the city declined to utilize the county juvenile facility because the facility was located 158 miles from the city.).

¹⁰⁰ RCW 3.50.800 (Laws of 1984, ch. 258, §202).

to disagree about the apportionment of expenses arising from the prosecution of misdemeanor and gross misdemeanor offenses.¹⁰¹ Some cities avoided the financial burden on such expenses altogether by refusing to adopt a criminal code, thus transferring those expenses to the county. Other cities partially repealed their criminal codes which similarly transferred the expenses of prosecuting those criminal offenses to the county.¹⁰²

In response, the 1996 legislature enacted RCW 39.34.180 which expressly allocated to cities the financial responsibility for the prosecution of all criminal misdemeanor and gross misdemeanor offenses occurring within city limits.¹⁰³ The remaining portions of RCW 39.34.180 set forth the parameters of interlocal agreements between cities and counties.¹⁰⁴ By its terms, RCW 39.34.180 governed only interlocal agreements between a city and its county.¹⁰⁵

In 2007, the Supreme Court was confronted with the statutory propriety of city to city interlocal agreements wherein Medina, Clyde Hill, and Yarrow Point contracted to share court facilities with Kirkland when Kirkland's Municipal Court facility was outside the geographical boundaries of their respective municipalities. Municipal court hearings for the three contracting municipalities were conducted by their municipal court judge¹⁰⁶ enforcing their respective municipal codes, but held in Kirkland's court facility.

In *City of Medina v. Primm*,¹⁰⁷ the court upheld city to city interlocal agreements for

¹⁰¹ *City of Medina v. Primm*, 160 Wn.2d 268, ¶23 (2007).

¹⁰² *City of Medina v. Primm*, 160 Wn.2d at ¶23 n.5 (Federal Way repealed its criminal code relating to domestic violence cases and Seattle repealed ordinances criminalizing the possession of marijuana). See also *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 539 (1996) (Bellingham's decision to repeal all but a few criminal offenses from its city code was a *de facto* repeal of its code, thus shifting the financial burden of prosecuting jailable offenses to the county.)).

See also *In re Hammermaster*, 139 Wn.2d 211, 249 (1999) (Talmadge, J., noting city manipulation of local court systems to maximize revenue and avoid costs).

These tactics often placed a "significant burden on the county's district court." Legislation was adopted to prevent municipalities from terminating or limiting their court systems in such a way that some or all criminal cases would be forced onto the county district courts without compensation. *City of Spokane v. County of Spokane*, 158 Wn.2d 661, ¶19 (2006) (citations omitted).

¹⁰³ *City of Medina v. Primm*, 160 Wn.2d at ¶24.

¹⁰⁴ *Id.* See RCW 3.50.810 for notice timelines when a city or county wishes to terminate a courthouse sharing agreement.

¹⁰⁵ *City of Medina v. Primm*, 160 Wn.2d at ¶25.

¹⁰⁶ The three municipalities appointed the Kirkland Municipal Court judge to also serve as the municipal court judge for the three municipalities. When sitting as municipal court judge for the three municipalities, the judge was enforcing that city's municipal code. *City of Medina v. Primm*, 160 Wn.2d at ¶¶2,7.

¹⁰⁷ *City of Medina v. Primm*, 160 Wn.2d 268 (2007).

court facility sharing pursuant to several statutes.¹⁰⁸ The majority held that the issue before the court was not whether Kirkland Municipal Court had subject matter jurisdiction to hear violations arising under the municipal codes of the three municipalities, but whether the municipal courts of the three municipalities had jurisdiction to hear cases outside the geographical boundaries of their respective municipalities.¹⁰⁹

While agreeing with the majority holding that cities could contract with each other to share court facilities, Chief Justice Alexander, joined by Justice Bridge, encouraged the legislature “to consider eliminating legislative authorization for this practice” because such a practice “has the capacity to cause considerable inconvenience to the public.” The statutory scheme placed no “legal impediment to cities that are separated by greater distances” from entering such agreements. Such a result could seriously inconvenience those having to travel a great distance to defend against a charge.

While the practice that allows a city to contract with another city for municipal court services may be viewed by some as a legitimate cost savings or efficiency measure, it does not, in my view, serve the public well and, in effect, taxes a portion of the public in order to achieve any cost savings. More importantly, it has the capacity to impede the quest for justice and, thereby, reduces the public's respect for its justice system.¹¹⁰

Justice Sanders, joined by Justices Owens and James Johnson, dissented, asserting that Kirkland Municipal Court lacked subject matter jurisdiction to hear cases adjudicating Medina's, Clyde Hill's, or Yarrow Point's municipal codes, and accordingly those municipalities lacked the power to create or operate municipal courts in Kirkland.¹¹¹

Prior to 2008, RCW 3.50.020 provided that Washington's municipal courts¹¹² had exclusive original jurisdiction over traffic infractions and criminal violations arising under duly adopted ordinances by the municipality in which its municipal court was located.¹¹³ Accordingly,

¹⁰⁸ RCW 3.50.020 (municipal court jurisdiction); RCW 3.50.805 (governing termination of municipal court services performed by one municipality on behalf of another), RCW 3.62.070 (regulating the fees cities must pay to district court for enforcement of city ordinances except “where a city has contracted with another city for such services pursuant to chapter 39.34 RCW”) and RCW 39.34.080 (authorizing public agencies to contract with one another for government services). *City of Medina v. Primm*, 160 Wn.2d at ¶¶16,25.

¹⁰⁹ *City of Medina v. Primm*, 160 Wn.2d at ¶1.

¹¹⁰ *City of Medina v. Primm*, 160 Wn.2d at ¶¶33-35 (Alexander, C.J. concurring, joined by Bridge, J.).

¹¹¹ *City of Medina v. Primm*, 160 Wn.2d at ¶43 (Sanders, J., dissenting, joined by Owens, J. and James Johnson, J.).

¹¹² With a population of 400,000 or less.

¹¹³ *City of Auburn v. Gauntt*, 174 Wn.2d 321 (2012) (A city with a population of 400,000 or less lacks statutory authority to prosecute state criminal offenses in its municipal court unless the state statute was adopted by city ordinance.).

See also AGO 1981 No. 4 (A municipal court does not have exclusive, or even concurrent jurisdiction, over

only that municipal court had jurisdiction over its city's ordinances. Superior courts, district courts, and other municipalities lacked subject matter jurisdiction over those offenses.¹¹⁴

In 2008, the legislature significantly expanded *Primm's* holding that a municipality had statutory authority to contract with another municipality to share a courthouse. RCW 3.50.020¹¹⁵ was amended to grant exclusive original subject matter jurisdiction to any "hosting jurisdiction" with which a municipality chooses to contract so that the "hosting jurisdiction" may hear cases arising from ordinances from the contracting municipality. This legislation helped to create the current climate of municipal court terminations upon a "hosting jurisdiction's" ability to present a budget which "underbids" the contracting city's municipal court budget. RCW 3.50.020 was amended as follows --

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city (~~in which the municipal court is located~~) and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city.

The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on

traffic infractions occurring within the geographic boundaries of the municipality based upon an alleged violation of state law. Accordingly, if a defendant has been cited by the state patrol for a violation of state law occurring within the boundaries of a municipality with a municipal court, the "proper court to hear and determine the alleged traffic infraction is the district court...").

But see RCW 35.20.250 which provides that municipal courts in cities with a population over 400,000 have "concurrent jurisdiction with the superior court and district court in all civil and criminal matters as now provided by law for district judges..." including misdemeanor and gross misdemeanor violations of state law, regardless of whether a city has an express ordinance adopting the state law. *City of Auburn v. Gauntt*, 174 Wn.2d. at ¶16; *City of Seattle v. Briggs*, 109 Wn.App. 484 (2001).

¹¹⁴ RCW 3.66.060 provides that district courts shall have jurisdiction concurrent with superior courts of all misdemeanors and gross misdemeanors committed in their respective counties, and of all violations of city ordinances. RCW 3.50.020, however, removed the RCW 3.66.060 subject matter jurisdiction from superior and district courts for the items explicitly listed in RCW 3.50.020.

If a municipality does not have a municipal court, district courts are empowered to hear and determine violations of municipal ordinances pursuant to RCW 3.66.060. *Town of Forks v. Fletcher*, 33 Wn.App. 104 (1982). See also *Exendine v. City of Sammamish*, 127 Wn.App. 574 (2005) (District court empowered by RCW 3.66.060 and valid interlocal agreement with municipality to issue search warrant for a criminal violation of a city code when municipality had not established a municipal court or municipal department of the district court.).

¹¹⁵ Laws of 2008, ch. 227, §5.

warrants issued by any court of limited jurisdiction participating in the program.¹¹⁶

RCW 3.50.815 was also created to statutorily authorize a municipality to contract by interlocal agreement with either a county or another municipality for any municipal court service,¹¹⁷ including court, staff and facility.¹¹⁸ RCW 3.50.003 was amended to create new definitions for “city,” “contracting city,” and “hosting city.”¹¹⁹ The 2008 legislation also repealed chapter 3.46 RCW, which as part of the Court Improvement Act of 1984, had allowed a city to create a municipal department of the district court.¹²⁰

A municipal executive and legislative branch seeking to terminate its established municipal court must comply with several statutes. RCW 3.50.060 reads –

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with RCW 3.50.805, 35.22.425,¹²¹ 35.23.595,¹²² 35.24.455,¹²³ 35.27.515,¹²⁴ 35.30.100,¹²⁵ and 35A.11.200.¹²⁶

A city or town newly establishing a municipal court pursuant to this chapter shall do so by adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year.

A municipality must first reach an agreement with the county or another municipality for payment of costs before it terminates its municipal court.¹²⁷ RCW 3.50.805(1) reads in pertinent part–

(1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the

¹¹⁶ RCW 3.50.020 (emphasis added) (paragraph break added). Seattle Municipal Court has jurisdiction as set forth in RCW 35.20.030.

¹¹⁷ RCW 3.50.815 (Laws of 2008, ch. 227, §4).

¹¹⁸ See RCW 39.34.180(1).

¹¹⁹ RCW 3.50.003 (Laws of 2008, ch. 227, §3).

¹²⁰ Laws of 2008, ch. 227, §12. Municipal departments established before July 1, 2008 were authorized to continue to operate as such. RCW 3.46.015 (Laws of 2008, ch. 227, §11).

¹²¹ A first class city.

¹²² RCW 35.23.595 was repealed by Laws of 1994, ch. 81, §89.

¹²³ RCW 35.24.455 was recodified as RCW 35.23.555 (a second class city) pursuant to Laws of 1994, ch. 81, §90.

¹²⁴ A town.

¹²⁵ An unclassified city.

¹²⁶ An optional municipal code city.

¹²⁷ RCW 3.50.805. See *Whatcom County v. City of Bellingham*, 128 Wn.2d 537 (1996).

termination...¹²⁸

The current statutory scheme authorizes any Washington municipal executive and legislative branch¹²⁹ to terminate its previously established municipal court upon reaching an interlocal agreement with another municipality or county that the contracting municipality will pay the hosting jurisdiction a reasonable amount for costs associated with running the contracting municipality's court.

Once the agreement is made, the contracting city by contract transfers judicial power previously held by its Article IV municipal court to the hosting jurisdiction, which is then statutorily granted original exclusive subject matter jurisdiction to adjudicate the contracting city's ordinance violations pursuant to RCW 3.50.020 by the hosting entity's court.

No statutory limitation is placed upon a municipality's authority to terminate its Article IV municipal court, so long as that municipality's executive and legislative branches agree to terminate their court, and the municipality can reach agreement with another city or county. RCW 3.50.060.

The roadblock to Lake Forest Park's termination of its municipal court presents both a statutory and constitutional question. First, the statutory analysis.

RCW 3.50.060 authorizes a city or town to terminate its municipal court only upon compliance with several statutes, including RCW 3.50.805. RCW 3.50.805 provides that a municipality "shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW concerning payment of reasonable costs. RCW 39.34.080 reads –

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform; PROVIDED, That such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.¹³⁰

The "governing body" of an Article IV municipal court is the municipal court's presiding judge.¹³¹ The presiding judge cannot delegate judicial and administrative duties "to persons in

¹²⁸ Emphasis added.

¹²⁹ See RCW 35.20.010(2)-(4) for a somewhat similar statutory scheme for termination of Seattle's Municipal Court.

¹³⁰ Emphasis added.

¹³¹ GR 29.

either the legislative or executive branches of government.¹³² RCW 39.34.080 does not permit public agencies to contract with each other unless the “governing body” agrees to the contract. Statutorily, a municipality’s executive and legislative branches lack the authority to “contract out” judicial services to a hosting entity because only the presiding judge may do so as the “governing body.”

*City of Medina v. Primm*¹³³ held that a municipality’s executive and legislative branches can pursuant to RCW 39.34.080 decide to have its municipal court housed in a courthouse outside the geographic boundaries of the municipality upon contract by interlocal agreement with another jurisdiction because the decision where to locate a municipal court is a municipal executive and legislative branch decision to make. The issue before *Primm* was not, however, whether a municipality’s executive and legislative branches have the constitutional authority to transfer judicial power from an Article IV municipal court to another jurisdiction.

Which leads to the constitutional question. Are a municipality’s executive and legislative branches “authorized by law” as required by RCW 39.34.080 to transfer judicial power from an Article IV municipal court to another entity? For the answer to this question, the legislature’s constitutional power to establish and terminate Article IV municipal courts must be examined.

IX. WASHINGTON’S CONSTITUTION PROHIBITS A CITY FROM TERMINATING ITS ARTICLE IV MUNICIPAL COURT AND TRANSFERRING THE COURT’S JUDICIAL TO ANOTHER ENTITY

Although the legislature’s constitutional power to terminate all Article IV municipal courts or a specific municipal court has not been litigated, it is likely the legislature has the constitutional power to do so because Const. Art. IV, §12 does not require the legislature to establish any municipal courts.¹³⁴

In *State ex rel. Murphy v. McBride*,¹³⁵ the Supreme Court was called upon to determine the legislature’s constitutional power to increase or decrease the number of Washington Supreme Court justices. Const. Art. I, §2 reads –

SECTION 2 SUPREME COURT. The supreme court shall consist of five judges, a majority

¹³² GR 29(f).

¹³³ *City of Medina v. Primm*, 160 Wn.2d 268 (2007).

¹³⁴ Compare Const. Art. IV, §§1 and 10 which require the legislature to establish district courts (formerly justice of the peace courts). *In re Eng*, 113 Wn.2d 178, 184 (1989).

¹³⁵ *State ex rel. Murphy v. McBride*, 29 Wash. 335 (1902).

of whom shall be necessary to form a quorum, and pronounce a decision...The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.¹³⁶

The Supreme Court held based upon the above constitutional language that it shall never be decreased below five justices, but the legislature has the constitutional authority to from “time to time” increase the court’s number of justices. The Court reasoned that since the constitution delegated to the legislature the judicial power to increase the number of Supreme Court justices, the legislature must also have the constitutional power to decrease the number of justices, so long as the number was not decreased below the constitutionally mandated minimum five justices.

If, therefore, the legislature has power to increase the number of judges as occasion or convenience requires, and there is no restriction upon a decrease, except below five, it follows that a decrease may be had to this minimum when necessity or occasion requires, of which necessity or occasion the legislature is the exclusive judge. Again, the fact that the Constitution has placed a minimum limit and permitted an increase in the number of judges is a strong inference that the increased number may be reduced to the minimum.¹³⁷

Somewhat similar to Const. Art. IV, §2’s provision concerning the legislative authority to determine the number of Supreme Court justices over five is Const. Art. IV, §10’s requirement that the legislature determine the number of justices of the peace (now called district courts) –

SECTION 10 JUSTICES OF THE PEACE. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of the justices of the peace...¹³⁸

The legislature cannot constitutionally delegate to the county the power to determine the number of justices of the peace because this limited power is constitutionally given to the legislature, and only the legislature.¹³⁹

The legislature is granted the constitutional discretion whether to establish any municipal courts pursuant to Const. Art. IV, §§1 and 12. Since the legislature has the constitutional discretionary power to transfer judicial power from superior and district courts to municipal courts if it decides to establish municipal courts, similar to the constitutional power it has to increase or decrease Supreme Court justices over five, it must also have the implied

¹³⁶ Emphasis added.

¹³⁷ *State ex rel. Murphy v. McBride*, 29 Wash. at 343 (emphasis added).

¹³⁸ See RCW 3.34.010, .020, and .025.

¹³⁹ *State ex rel. Kurtz v. Pratt*, 45 Wn.2d 151 (1954). See also *In re Eng*, 173 Wn.2d 178, 188 (1989), citing *Manus v. Snohomish County Justice Court Dist. Committee*, 44 Wn.2d 893, 896 (1954), and *Long v. Odell*, 60 Wn.2d 151, 152 (1962).

Const. Art. IV, §10 does not apply to municipal courts. Therefore, a municipality has the constitutional authority to add new departments and judges in the manner required by statute. *In re Eng*, 173 Wn.2d at 188-89.

constitutional power to terminate previously established municipal courts, and upon termination transfer judicial power back to superior and district courts.

While it appears that the legislature can constitutionally terminate any established Article IV municipal court, can the legislature delegate that constitutional power to municipalities such that a municipality is “authorized by law” as required by RCW 39.34.080 to terminate its municipal court and enter into an interlocal agreement to transfer judicial power from its Const. Art. IV, §12 municipal court to another municipality or county?

The answer to this question was provided over 125 years ago by our Supreme Court in *In re Cloherty*. Since statehood in 1889, judicial power has been vested only in Washington’s Article IV courts, of which municipal courts once established are members. The legislature is granted limited constitutional authority to transfer power from superior and district courts to municipal courts.

This constitutional authority only includes prescribing by law the jurisdiction and powers of municipal courts, and does not include the power to encroach on the judicial independence of municipal courts once they are established and join Washington’s judicial branch of government. Const. Art. IV, §§1 and 12.

This limited constitutional legislative power to prescribe municipal court jurisdiction and powers may not be delegated by the legislature to Washington’s municipal executive and legislative branches.¹⁴⁰

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.¹⁴¹

While the legislature has an inherent constitutional power to terminate established Article IV municipal courts, *In re Cloherty* could not be more clear that the legislature lacks the constitutional authority under Const. Art. IV, §§1 and 12 to delegate that termination power to a municipality’s executive and legislative branches.

This conclusion also makes constitutional sense. An Article IV municipal court, at the moment it is established, becomes a member of Washington’s judicial branch. Const. Art. IV, §1

¹⁴⁰ *In re Cloherty*, 2 Wash. 137 (1891). See also *State ex rel. Kurtz v. Pratt*, 45 Wn.2d 151 (1954) (Const. Art. IV, §10 requires the legislature to determine the number of justices of the peace. It lacks the constitutional authority to delegate to county commissioners the power to reduce that legislative number.).

¹⁴¹ *In re Cloherty*, 2 Wash. at 142 (emphasis added).

provides for the constitutional separation of powers, which demonstrates itself from a judicial branch perspective by the constitutional requirement and protection of a municipal court's judicial independence from the other two municipal branches. Otherwise, the municipal court is merely a department of city government, subject to the whim or caprice of the city's two political branches.¹⁴²

Although the legislature can fashion the jurisdiction and powers of Article IV municipal courts, it cannot constitutionally interfere with the core functions that make them Article IV municipal courts in the first place.¹⁴³ Inherent in any court is its judicial independence from its co-equal executive and legislative branches.

Since a Const. Art. IV, §12 municipal court upon being established becomes a third separate, independent and co-equal branch of municipal government and a member of Washington's judicial branch of government pursuant to Const. Art. IV, §1, delegating the power to terminate that municipal court to the other two branches of municipal government immediately converts that Article IV municipal court into a subservient and obedient department of municipal government. Const. Art. IV, §§1 and 12 prohibit such a result.

Accordingly, even if RCW 3.50.060 and 3.50.805(1) are constitutional, which they are not, a municipality is not "authorized by law" as required by RCW 39.34.080 to contract with another municipality or county to transfer its Article IV municipal court's judicial power and thereafter terminate the municipal court. The law, in this case the Constitution, makes clear that the legislature lacks the constitutional power to delegate to a municipality's executive and legislative branches the power to terminate an established Article IV municipal court.

Finally, the incorporation of municipalities is governed by Const. Art. XI, §10 and generally chapter 35.02 RCW. Once a municipal corporation is established, a city or town may disincorporate either voluntarily or involuntarily.¹⁴⁴ For a voluntary disincorporation to succeed, a majority of the voters must vote for disincorporation. Upon such a vote, the municipality shall

¹⁴² *State ex rel. Evans v. Superior Court*, 92 Wash. 375, 379-80 (1916) ("It would violate the very principle upon which the judicial function is made to rest – that of absolute freedom from fear or favor of the appointing power. It would not be so if a judicial officer were to be made the subject of the whim or caprice of the appointing power.").

¹⁴³ See *State v. Rice*, 174 Wn.2d 884, ¶35 (2012) (While the legislature constitutionally prescribes the duties of prosecuting attorneys, a core function of prosecuting attorneys is the exercise of broad discretion in a charging decision. "Although the legislature can fashion the duties of prosecuting attorneys, the legislature cannot interfere with the core functions that make them 'prosecuting attorneys' in the first place." Held that legislatively mandated charging of special allegation of sexual motivation violated constitutional independence of the executive branch prosecutor's office.).

¹⁴⁴ Chapter 35.07 RCW.

be dissolved.¹⁴⁵ Under certain statutorily defined circumstances, a superior court can order a town to be involuntarily dissolved.¹⁴⁶

Regardless of the method of municipal disincorporation, a municipality's executive and legislative branches lack the constitutional and statutory authority to dissolve any single branch of a municipality. Such a decision may only be made by a municipality's voters, or a superior court.

If Lake Forest Park's mayor and city council want to terminate this Court, they can only constitutionally do so by submitting to the voters the question whether to dissolve the entire city.

X. LAKE FOREST PARK'S MAYOR AND COUNCIL HAVE VIOLATED THE SEPARATION OF POWERS DOCTRINE

The test to determine whether a separation of powers violation has occurred is whether the activity of one branch threatens the independence or integrity or invades the prerogatives of another.¹⁴⁷ If it does, then the damage caused by a separation of powers violation accrues directly to the branch invaded. "The maintenance of a separation of powers protects institutional, rather than individual, interests."¹⁴⁸

The fundamental functions of each branch of government shall remain inviolate.¹⁴⁹ A municipality's executive and legislative branches' attempt to terminate its established Article IV municipal court is the ultimate attack on the judicial independence of that municipal court, in violation of the separation of powers doctrine and Const. Art. IV, §1.

Ordinance No. ___'s termination of this Court and the contract with to transfer this Court's judicial power to King County are the ultimate violation of the separation of powers doctrine. Lake Forest Park's executive and legislative branches' actions have invaded this Court's independence, and its very existence. The damage caused by this separation of powers violation accrues directly to this Court, which necessitates immediate action by this Court.

¹⁴⁵ RCW 35.07.080.

¹⁴⁶ RCW 35.07.230 to .260.

¹⁴⁷ *Zylstra v. Piva*, 85 Wn.2d 743, 750 (1975).

¹⁴⁸ *Carrie v. Locke*, 125 Wn.2d 129, 136 (1994), citing *Commodity Futures Trading Comm'n v. Schur*, 478 U.S. 833, 106 S.Ct. 3245, 3257, 92 L.Ed.2d 675 (1986).

¹⁴⁹ *City of Spokane v. County of Spokane*, 158 Wn.2d 661, ¶28 (2006) ("The doctrine of separation of powers serves mainly to ensure that the *fundamental functions* of each branch shall remain inviolate.").

XI. CONCLUSION

Const. Art. IV, §12 grants limited authorization to the legislature to transfer judicial power from Washington's superior courts and district courts to municipal courts, as well as the implied constitutional power to terminate established municipal courts and transfer judicial power back to superior courts and district courts. This Const. Art. IV, §12 limited legislative power to transfer judicial power may not be delegated. Const. Art. IV, §1 requires that all established municipal courts, as members of Washington's judicial branch, must be separate, independent and co-equal to its city's non-judicial branches.

Lake Forest Park's executive and legislative branches rely upon statutory provisions to justify their decision to terminate this Court. These statutes delegate to the executive and legislative branches of city governments the limited Const. Art. IV, §12 legislative power to terminate established municipal courts.

These statutes provide no limiting principle concerning a city's executive and legislative branches decision to terminate that city's judicial branch. A municipal court may be statutorily terminated by its non-judicial branches for any reason deemed appropriate by the city's two political branches.

These statutes eviscerate the Const. Art. IV, §1 constitutional guarantee of an independent judicial branch of city governments, and transform all of Washington's municipal courts into subservient and obedient departments of city governments, subject to the whim or caprice of their "co-equal" executive and legislative branches.

Acceptance of such a regime would be to sap the judicial power as it exists under Washington's Constitution, and to establish a municipal government of bureaucratic character completely alien to our system, whereupon fundamental rights depend not upon an independent judiciary but rather upon political favor carried from a city's mayor and/or council members.¹⁵⁰

This Court concludes that these statutes have impermissibly removed all of the essential attributes of Const. Art. IV judicial power from municipal courts by placing the existence of all

¹⁵⁰ Transferring this Court's judicial power to King County or another entity by contract does not sanitize the actions taken by Lake Forest Park's non-judicial branches. Contracts have terms which must be followed. Contracts expire. Each contracting party can choose to not renew a contract.

Even with a contract transferring this Court's power to another entity, Lake Forest Park's non-judicial branches remain in full and complete control over the city's judicial power. King County or another entity will serve at the pleasure of Lake Forest Park's mayor and city council lest the city will sell the city's judicial power to another suitor when the current contract expires. Lake Forest Park's judicial power will forever be subject to political favor carried from the city's mayor and/or council members.

of Washington's established municipal courts under the direct control of their municipalities' non-judicial branches. Termination of this Court based upon these statutes cannot and will not be permitted.

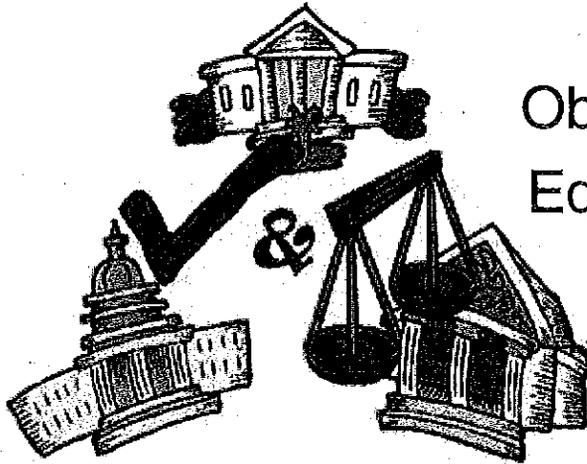
Ordinance No. ____ and the contract to transfer judicial power to King County are unconstitutional and void. Lake Forest Park's executive and legislative branches lack the constitutional power to sell the city's judicial branch and transfer its judicial power to another entity.

This Court remains open to the public as a separate, independent and co-equal branch of Lake Forest Park government.

DATED: _____

LINDA S. PORTNOY
PRESIDING JUDGE

Washington's Municipal Courts



Obedient Departments or Co-Equal Independent Branches of City Governments?

By Judge Jeffrey J. Jahns
May 30, 2016

Introduction—Municipal Courts Are In Jeopardy

Washington's municipal courts annually handle an incredible number of cases.¹ Their judicial officers and court staff are expected to daily process tens to hundreds of cases efficiently, while always keeping a focus on taking enough time to treat each litigant fairly and impartially. Despite the pressures of this never-ending volume, Washington's hard-working municipal courts continue to administer individual justice.

Recent actions beyond the control of municipal courts have placed an increasing financial burden on municipal courts and their cities' budgets. The Supreme Court's adoption of misdemeanor caseload limits for public defense attorneys, effective January 1, 2015, has resulted in a significant increase in some city budgets to pay for the labor and other costs associated with the need for additional public defenders.² The Supreme Court's *State v. Blazina*³ decision has placed an increased focus on the imposition of legal financial obligations against indigent criminal defendants, with the result of reduced monies collected from these individuals. Additionally, the ever-increasing costs of incarcerating municipal court criminal

¹ In 2015, Washington's courts of limited jurisdiction handled new case filings totaling 2,082,795 (2,035,796 in 2014). Of that 2015 total, 1,313,756 (1,257,059 in 2014) new filings were handled by municipal courts and municipal departments of district courts.

In 2015, Washington's courts of limited jurisdiction collected revenue totaling \$257,523,054 (\$257,286,691 in 2014). Of that total, \$131,514,176 (\$131,150,960 in 2014) was collected by municipal courts and municipal departments of district courts.

See WASHINGTON STATE COURTS – CASELOADS OF THE COURTS, <http://www.courts.wa.gov/caseload/> (visited May 28, 2016).

² See *Standards for Indigent Defense (SID)* after CrRLJ 3.1 in WASHINGTON COURT RULES 2016, at 734-743.

³ *State v. Blazina*, 182 Wn.2d 827 (2015).

defendants remain an on-going problem, especially when punishment requires significant state-mandated but unfunded minimum jail sentences.⁴

These increased costs associated with municipal courts have resulted in some city governments deciding to examine its economic alternatives. Although the elimination of municipal courts is nothing new,⁶ some municipal courts are reporting that city officials are considering terminating their municipal courts and transferring municipal court judicial power to a neighboring city or the county. This trend will likely continue.

This article explores (1) the constitutional authority creating Washington's municipal courts, (2) the delegation of limited constitutional authority to the legislature to establish the jurisdiction and powers of municipal courts, (3) the legislature's delegation to cities allowing a city's executive and legislative branches to terminate its established municipal court and transfer the defunct municipal court's judicial power to another entity, and (4) the constitutional retention of municipal court judges.

Protection Of Individual Liberty— The Separation Of Powers Doctrine

A bedrock principle of America's constitutional system is that governmental powers are divided between three co-equal branches of government – executive, legislative and judicial. Each branch is separate from yet dependent upon the other two, with each branch granted checks and balances concerning the other two to avoid the accumulation of power.⁷ The ultimate purpose of this form of divided government is the “protection of individual liberty.”⁸

“[A]n attack on the independence of the judicial branch causes people to lose the belief that courts can, and will, protect their rights. When people fear they cannot receive a fair hearing from the co-equal branch of government assigned that important role, it undermines confidence in all of government and in democracy itself...”

I hope you will join us in supporting the continued effectiveness of a fair and independent judicial branch for all Washingtonians.”⁹

⁴ Such as convictions for DUI and first degree driving while license revoked.

⁵ CHIEF JUSTICE BARBARA A. MADSEN, STATE OF THE JUDICIARY 2016 (Washington State Administrative Office of the Courts), at 3. To read the report online, visit joom.ag/oSvp.

⁶ See Chelan Municipal Court as discussed in *Wise v. City of Chelan*, 133 Wn.App. 167 (2006) (Chelan eliminated its municipal court halfway through the appointed judge's term. The court of appeals held that the city was responsible to pay the judge for the entire term of the contract.)

See also Auburn Municipal Court. In July 2012, the city of Auburn terminated its municipal court halfway through its elected judge's term. Auburn Ordinance No. 6417 (repealing Auburn Municipal Code chapter 2.14, which had established the Auburn Municipal Court in 1991).

⁷ *Carrick v. Locke*, 125 Wn.2d 129, 134-135 (1994).

The first modern expression of the theory of separation of governmental powers occurred in eighteenth century England and France. John Locke, Henry St. John, Viscount Bolingbroke and Baron de Montesquieu were influential in the formation of the doctrine.⁹ Montesquieu described the doctrine's essence—

All would be lost if the same man or the same body of leaders, either of the nobles or of the people, exercised these three powers: that of making laws, that of executing the public resolutions, and that of judging criminal and civil cases.¹⁰

By 1776, the theory of a balanced constitution had developed such that the separation of powers was the “only coherent constitutional theory upon which an alternative to colonial forms of government could be based.”¹¹

Due to its generality, the doctrine of separation of powers does not provide a definitive guide to intergovernmental relations. The doctrine is, however, “the dominant principle of the American political system.”¹² Despite the generality of the separation of powers doctrine, the doctrine “is currently notable not for its demise, but ... for its extraordinary resilience.”¹³

The doctrine of separation of powers “serves mainly to ensure that the fundamental functions of each branch remain inviolate”¹⁴ to “guarantee the totality of governing power is not concentrated in singular hands.”¹⁵

The American experience with enforcing the separation of powers, however, has not been absolute. At times, courts must intervene in the operation of other branches since complete separation of the branches was never intended, and to the contrary overlapping functions were deliberately created.¹⁶

This overlapping of functions allows for a scheme of checks and balances which evolved along with the separation of powers doctrine.

Basic to the constitutional structure established by the Framers was their recognition that “[t]he accumulation of all powers, legislative, executive, and judiciary, in the same hands,

⁸ *Spokane County v. State*, 136 Wn.2d 663, 673 (1998) (Sanders, J. dissenting, citing *Zylstra v. Piva*, 85 Wn.2d 743, 752-53 (1975)).

⁹ *In re Juvenile Director*, 87 Wn.2d 232, 238 (1976).

¹⁰ W. GWYN, THE MEANING OF THE SEPARATION OF POWERS 110 (1965).

¹¹ *In re Juvenile Director*, 87 Wn.2d at 239.

¹² *In re Juvenile Director*, 87 Wn.2d at 240 (quoting G. WOOD, THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787, 449 (Norton Library ed. 1969)).

¹³ *In re Juvenile Director*, 87 Wn.2d at 240 (quoting FROHMYER, THE SEPARATION OF POWERS: AN ESSAY ON THE VITALITY OF A CONSTITUTIONAL IDEA, 52 Ore.L.Rev. 211, 216 (1973)).

¹⁴ *Carrick v. Locke*, 125 Wn.2d 129, 135 (1994).

¹⁵ *Spokane County v. State*, 136 Wn.2d 663, 673 (1998) (Sanders, J. dissenting, citing *Carrick v. Locke*, 125 Wn.2d 129, 134-35 (1994)).

¹⁶ *In re Juvenile Director*, 87 Wn.2d at 241-42.

whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” The Federalist No. 47, p. 300 (H. Lodge ed. 1888) (J. Madison).

To ensure against such tyranny, the Framers provided that the Federal Government would consist of three distinct Branches, each to exercise one of the governmental powers recognized by the Framers as inherently distinct. “The Framers regarded the checks and balances that they had built into the tripartite Federal Government as a self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the other.”

“A judiciary free from control by the Executive and Legislature is essential... by judges who are free from potential domination by other branches of government.”

The Federal Judiciary was therefore designed by the Framers to stand independent of the Executive and Legislature – to maintain the checks and balances of the constitutional structure, and also to guarantee that the process of adjudication itself remained impartial...

The Court has only recently reaffirmed the significance of this feature of the Framers’ design: “A Judiciary free from control by the Executive and Legislature is essential if there is a right to have claims decided by judges who are free from potential domination by other branches of government.”¹⁷

The separation of government into three distinct branches, with a system of checks and balances in each branch over the other two, operates to protect the independence of each branch to better secure liberty and ensure a workable government.

Legislative control over appropriations, the executive power to veto, and the judicial authority to declare legislative and executive acts unconstitutional. Taken together these devices constitute a delicate balance, described by Justice Jackson, concurring in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635, 72 S.Ct. 863, 870, 96 L.Ed. 1153 (1952):

The actual art of governing under our Constitution does not and cannot conform to judicial definitions of the power of any of its branches based on isolated clauses or even single Articles torn from context. While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy by reciprocity.¹⁸

The doctrine of separation of powers with its system of checks and balances, however, is not confined to the federal Constitution. Washington’s Constitution, much like its federal

¹⁷ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858, 2864-65, 73 L.Ed.2d 598 (1982) (Bankruptcy Act of 1978 held unconstitutional because it endowed non-Article III bankruptcy judges with Article III powers.) (citations omitted).

¹⁸ *In re Juvenile Director*, 87 Wn.2d at 242-43 (citations omitted).

counterpart, does not contain a formal separation of powers clause yet has been held to be clearly intended by the drafters of Washington's Constitution.

Nonetheless, the very division of our government into different branches has been presumed throughout our state's history to give rise to a vital separation of powers doctrine.

The validity of this doctrine does not depend on the branches of government being hermetically sealed off from one another. The different branches must remain partially intertwined if for no other reason than to maintain an effective system of checks and balances, as well as an effective government.¹⁹

Similar to the federal Constitution, Washington's Constitution also divides governmental authority into three branches – executive, legislative, and judicial – and “[e]ach branch of government wields only the power it is given.”²⁰ This constitutional division of Washington government is for the protection of individuals “against centralized authority and abuses of power.”²¹

Washington recognizes the separation of powers doctrine by vesting in its Constitution the “judicial power of the state” in a separate branch of government – the Article IV judicial branch.²² Const. Art. IV, §1 provides –

SECTION 1 JUDICIAL POWER, WHERE VESTED. The judicial power²³ of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

¹⁹ *Carrick v. Locke*, 125 Wn.2d at 134-35 (citations omitted).

²⁰ *State v. Rice*, 174 Wn.2d 884, ¶29 (2012) (A Washington prosecutor's broad charging discretion is part of the inherent authority granted to prosecuting attorneys as executive officers under Washington's Constitution. Const. Art. III, §1 and Const. Art. XI, §5. Accordingly, while the legislature may fashion the duties of prosecuting attorneys, the legislature cannot constitutionally interfere with the core functions that make them “prosecuting attorneys” in the first place, nor can prosecutors cede this fundamental power to the legislative branch by consent.) (citation omitted).

²¹ *Id.* (citations omitted).

²² *Zylestra v. Piva*, 84 Wn.2d 743, 754 (1975).

²³ The term “judicial power” is not capable of a precise definition. The power to hear and determine all suits and actions, whether private or public, is certainly included, “but does not exhaust the power.” *Bellingham Bay Improvement Co. v. City of New Whatcom*, 20 Wash. 53, 58, *affirmed*, 20 Wash. 231 (1898) (Const. Art. IV, §1 does not apply to quasi-judicial proceedings conducted by administrative and executive bodies.).

See also *Mills v. Western Washington University*, 170 Wn.2d 903, ¶¶20-21 (2011) (Const. Art. IV, §1's term “judicial power” and Const. Art. I, §10's open courts' requirement do not apply to actions occurring through the Administrative Procedures Act, chapter 34.05 RCW.).

Const. Art. IV, §1 has been found to include many inherent powers which reside with the judicial branch in addition to the doctrines of separation of powers, checks and balances, and judicial independence. See e.g. *Washington State Highway Commission v. Pacific Northwest Bell Telephone Co.*, 59 Wn.2d 216, 222

From the judicial branch perspective, the separation of powers doctrine manifests itself through institutional and decisional judicial independence from the executive and legislative branches. The parameters of judicial independence will be discussed next.

Institutional And Decisional Independence For The Weakest Branch

In Federalist No. 78, Alexander Hamilton discussed his belief that the judiciary would always be the weakest and least dangerous of the three branches of power because the judiciary has no power over the sword or purse, and is thus the most dependent of the branches.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them.

The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever.

The judicial branch is the weakest and least dangerous because the judiciary has no power over the sword or purse, and is thus the most dependent of the branches.

It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments...

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It

(1961) ("The construction of the meaning and scope of a constitutional provision is exclusively a judicial function.").

See also *In re Bruen*, 102 Wash. 472, 476 (1918) ("The inherent power of the court is the power to protect itself; the power to administer justice whether any previous form of remedy had been granted or not; the power to promulgate rules for its practice; and the power to provide process where none exists. It is true that the judicial power of this court was created by the Constitution, but upon coming into being under the Constitution, this court came into being with inherent powers. Among the inherent powers is the power to admit to practice, and necessarily therefrom the power to disbar from practice, attorneys at law."); and *Wyman v. Wallace*, 94 Wn.2d 99, 101-2 (1980) (The court has the inherent power to modify or abolish common law causes of action, including the action of alienation of a spouse's affections.).

equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive.

Hamilton also warned in Federalist No. 78 that, unless the judiciary was independent of the executive and legislative branches, there would be no liberty because the judiciary would be subservient to the other two branches.²⁴

For I agree, that "there is no liberty, if the power of judging be not separated from the legislative and executive powers ..."

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void.²⁵ Without this, all the reservations of particular rights or privileges would amount to nothing.

The constitutional system of checks and balances requires that all three branches be committed to maintain a spirit of reciprocity and interdependence. If checks by one branch undermine the operation of another branch or undermine the rule of law, the checks imposed by the offending branch are improper and a destructive exercise of that branch's authority.²⁶ This is especially true concerning checks by the legislative and executive branches placed upon the judicial branch.

Courts are vulnerable to improper checks by the other branches in the form of reward or retaliation because the judiciary is excluded from the budget process.

Although the judiciary possesses authority to check the arbitrary or unconstitutional exercise of power by legislative and executive branches, it is the only branch excluded from participation in the formulation and adoption of the government budget. Such exclusion makes the courts vulnerable to improper checks in the form of reward or retaliation. A historical parallel may be drawn to the use of the King's purse to obtain the loyalty of Parliament – a practice violative of even the then

²⁴ The idea of an independent tribunal is far more ancient than the Due Process clause. In Aeschylus' *Eumenides* (458 B.C.) Apollo directs Orestes, pursued by the Furies for killing his mother, to go to Athens ("and there find judges of the matter"). Eum 81-82. Orestes was later acquitted. *State v. Moreno*, 147 Wn.2d 500, 507 n.2 (2002) (While it may be unfair for a judge to don executive and judicial hats at the same time, a trial court does not violate the separation of powers doctrine or Due Process by adjudicating a traffic infraction hearing without a prosecutor present.).

²⁵ See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177-78, 2 L.Ed. 60 (1803) ("It is emphatically the province and duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule. If two laws conflict with each other, the Courts must decide on the operation of each.").

²⁶ *In re Juvenile Director*, 87 Wn.2d 232, 243 (1976).

nascent notion of separation of powers. Judicial freedom from improper influence is essential.

The reason for the independence of the judiciary ... and incidentally of juries, is not that they perform a judicial function, an expression to which it is very difficult to give a precise meaning. The argument for the independence of the judge is that in performing his function of rule-interpretation he should not be subject to pressure that would cause him to vary the meaning of the rules to suit the views of the persons affected by them, and that in ascertaining 'facts' he will not be influenced by consideration of expediency. It is an essential element in the maintenance of that stability and predictability of the rules which is the core of constitutionalism.

M.J.C. VILE, CONSTITUTIONALISM AND THE SEPARATION OF POWERS 328-29 (1967).²⁷

For this reason, an inseparable element of the system of checks and balances is the constitutional protection of the independence of the judicial branch from control by the executive or legislative branches.

As an inseparable element of the constitutional system of checks and balances, and as a guarantee of judicial impartiality, Art. III both defines the power and protects the independence of the Judicial Branch. It provides that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Art. III, §1. The inexorable command of this provision is clear and definite. The judicial power of the United States must be exercised by courts having the attributes prescribed in Art. III.²⁸

An unambiguous fundamental constitutional principle is that the independence of the judiciary must be "jealously guarded" from interference by the executive and legislative branches.

Further evidence of the Framers' concern for guaranteeing judicial branch independence can be found during the Constitutional Convention when a proposal to allow the removal of judges by the executive and legislative branches was soundly defeated.²⁹

The United States Supreme Court emphasized the importance of judicial independence by requiring the independence of the judiciary to be "jealously guarded..."

In sum, our Constitution unambiguously enunciates a fundamental principle – that the "judicial Power of the United States" must be reposed in an independent Judiciary. It

²⁷ *In re Juvenile Director*, 87 Wn.2d at 244-46 (1976) (holding it "axiomatic" that courts have the inherent power to compel the expenditure of public funds for their own operation).

²⁸ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2865.

²⁹ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2865, n.11.

commands that the independence of the Judiciary be jealously guarded, and it provides clear institutional protections for that independence.³⁰

The Framers' belief over 225 years ago that a judiciary independent from the executive and legislative branches was an "essential tool in guarding the Constitution and the rights of individuals" remains true today.³¹

Judicial independence requires a judge to commit to following the Constitution, the statutes, common law principles, and precedent without intrusion from or intruding upon other branches of government.³²

How then does one determine whether actions taken by the executive and/or legislative branches invade a court's judicial independence?

The American Judicature Society³³ defines judicial independence as follows—

Judicial independence is a concept that expresses the ideal state of the judicial branch of government. The concept encompasses the idea that individual judges and the judicial branch as a whole should work free of ideological influence. Scholars have broken down the general idea of judicial independence into two distinct concepts: decisional independence and institutional, or branch, independence.

Decisional independence refers to a judge's ability to render decisions free from political or popular influence based solely on the individual facts and applicable law.

Institutional independence describes the separation of the judicial branch from the executive and legislative branches of government.³⁴

Our Supreme Court has made clear that the importance of protecting a court's judicial independence cannot be overstated.

³⁰ *Northern Pipeline Co. v. Marathon Pipe Line Co.*, 102 S.Ct. at 2866.

³¹ *In re Hammermaster*, 139 Wn.2d 211, 233 (1999).

³² *In re Hammermaster*, 139 Wn.2d at 234.

³³ Founded in 1913 as an "independent, non-partisan, membership organization working nationally to protect the integrity of the American justice system," the American Judicature Society dissolved in 2014 due to lack of membership and funding. AMERICAN JUDICATURE SOCIETY, *Home-Welcome*, <https://www.ajs.org/index/php/> (visited October 29, 2015).

Chief Justice Barbara A. Madsen recently noted the importance of entities such as the American Judicature Society that focus on the importance of judicial independence. CHIEF JUSTICE BARBARA A. MADSEN, *"Dedication and Collaboration Essential for Strong, Successful Judicial Branch,"* FULL COURT PRESS FALL 2015 (Washington State Administrative Office of the Courts), at 3.

³⁴ AMERICAN JUDICATURE SOCIETY, *What is Judicial Independence?-Summary*, <http://www.ajs.org/judicial-administration/judicial-independence/news-and-resources/what-is-judicial-independence/> (visited October 29, 2015) (emphasis added).

Our state Constitution contains separate provisions establishing the Legislative Department (Article II), the Executive (Article III), and the Judiciary (Article IV) and, as such, provides for this separation of functions...

The importance of judicial independence and the need for the judiciary, as well as the

Scholars divide the general idea of judicial independence into two distinct concepts—decisional independence and institutional, or branch, independence.

other two branches, to maintain effective control over their respective affairs cannot be overstated. As we recognized in *Zylstra*, the judiciary has, on appropriate occasions, declined to intrude upon the integral functions of the legislative and executive branches. Likewise, we have required that the other branches of government keep distant from the inherent functions of the judicial branch.³⁵

At times, the Supreme Court has refused to interfere with the executive and legislative branches of government, but has “insisted that those branches do not usurp the functions of this one”³⁶ because the judiciary must be able to ensure its own survival.

To do so, courts possess inherent power, that is, authority not expressly provided for in the Constitution but which is derived from the creation of a separate branch of government and which may be exercised by the branch to protect itself in the performance of its constitutional duties.³⁷

When a court must use its inherent power to ensure its survival, the court must clearly communicate and demonstrate to the public the grounds for the court’s action. Accordingly, the highest burden of proof in civil cases is imposed on the judiciary when it seeks to exercise its inherent power under the separation of powers doctrine – clear, cogent and convincing proof.³⁸

The importance of judicial independence and the need for the judiciary to maintain effective control over its “affairs cannot be overstated.”

Although the application of the principle of inherent power as it applies to the judiciary under the separation of powers doctrine is not fully developed, the remedy generally sought is a writ of mandamus or declaratory judgment.³⁹

³⁵ *Spokane County v. State*, 136 Wn.2d 663, 667-68 (1998) (citations omitted).

³⁶ *Zylstra v. Piva*, *id.* (citations omitted).

³⁷ *In re Juvenile Director*, 87 Wn.2d at 245.

³⁸ *In re Juvenile Director*, 87 Wn.2d at 251. Four members of the Supreme Court would have placed the burden of proof as a preponderance of the evidence. *In re Juvenile Director*, 87 Wn.2d at 252-53 (Stafford, C.J. concurring, joined by Rosellini, Wright and Brachtenbach, JJ.)

³⁹ *In re Juvenile Director*, 87 Wn.2d at 246-247 n.3.

Washington's Municipal Courts Are Article IV Constitutional Courts

During America's colonial period, the primary unit of most local government was the county. Although not nationally uniform, counties generally "handle such state-directed functions as the administration of justice."⁴⁰ Washington's Constitution vests superior courts at the county level with general jurisdiction over most conflicts involving state law. Const. Art. IV, §§5,6.⁴¹

When Washington was a territory, a justice of the peace had jurisdiction to try a defendant for certain criminal offenses.⁴² At the time the Washington Constitution was adopted, it was taken for granted that the legislature lacked the inherent legislative power to create municipal courts because the organic act only authorized courts specifically listed in the act, and did not include municipal courts.

While Washington was yet a territory, although it was not held by any of the territorial courts, the legislature never attempted to create municipal courts, it being taken for granted that the organic act forbade the exercise of that power by prescribing that the judicial power of the territory should be vested in certain courts therein named.⁴³

Washington's Constitution created several types of constitutional courts, including inferior courts.⁴⁴ Const. Art. IV, §1 reads—

SECTION 1 JUDICIAL POWER, WHERE VESTED. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace,⁴⁵ and such inferior courts as the legislature may provide.

All judicial power vests only in the courts created by the Constitution.⁴⁶

⁴⁰ *City of Auburn v. Gauntt*, 174 Wn.2d 321, ¶6 (2012) (citations omitted).

⁴¹ *Id.*

⁴² *State v. Gleason*, 15 Wash. 509, 510-11 (1896).

⁴³ *In re Cloherty*, 2 Wash. 137, 140 (1891).

⁴⁴ "The Constitution authorized the creation of the municipal court, and authorized the legislature to prescribe its jurisdiction and powers." *State v. Gleason*, 15 Wash. 509, 511 (1896).

⁴⁵ Justice of the peace courts are now named district courts. RCW 3.30.015; *In re Eng*, 113 Wn.2d 178, 185-86 (1989) (Court Improvement Act of 1984 converted justices of the peace into the district court system. Held: Seattle Municipal Court is an "inferior court," not a district court, so unlike with district courts, the legislature may constitutionally delegate to a city the power to add additional judges pursuant to Const. Art. IV, §12.).

⁴⁶ *In re Barbee*, 19 Wash. 306, 310 (1898); *Taylor v. Huntington*, 34 Wash. 455, 461 (1904).

The state of Washington is a sovereign whose written Constitution is her visible charter. By the Constitution all judicial power (which is a distinct branch of the sovereignty) is

*Since 1889, judicial power has vested only in Washington's Article IV constitutional courts, including the supreme court, superior courts, district courts and municipal courts.*⁴⁷

vested in the courts therein created, independently of all legislation. The jurisdiction of those courts is universal, covering the whole domain of judicial power, even to that growing out of the supposed existence of municipal ordinances.⁴⁸

Inferior courts were constitutionally created in 1889⁴⁹ by the people's ratification of Const. Art. IV, §12, which reads—

SECTION 12 INFERIOR COURTS. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

This constitutional provision delegates to the legislature limited authority to transfer portions of judicial power from one constitutional court (superior and district courts) to another (inferior courts).

But to the legislature of the state the Constitution delegates authority to transfer from one of the constitutional courts to another certain limited portions of the judicial power, and it may also provide new, inferior courts, not specifically mentioned in the Constitution, to which may be assigned such part of the inferior judicial power as it may deem wise to transfer.

The legislature is granted limited constitutional authority to transfer portions of judicial power from superior and district courts to municipal courts.

This authority only includes prescribing by law the jurisdiction and powers of municipal courts, and does not include the power to encroach on the judicial independence of municipal courts.

In re Cloherty, 2 Wash. 137, 139 (1891).⁵⁰

⁴⁷ The court of appeals was created in 1968 by Const. Art. IV, §30 ("In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.")

⁴⁸ *In re Cloherty*, 2 Wash. at 139.

⁴⁹ "This Constitution was framed by a convention of seventy-five delegates, chosen by the people of the Territory of Washington at an election held May 14, 1889, under section 3 of the Enabling Act. The convention met at Olympia on the fourth day of July, 1889, and adjourned on the twenty-second day of August, 1889. The Constitution was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with section 8 of the Enabling Act, the president of the United States proclaimed the admission of the State of Washington into the Union." Introduction to the Constitution of the State of Washington.

⁵⁰ *Cloherty's* discussion concerns inferior courts created by Const. Art. IV, §12. *In re Eng*, 113 Wn.2d 178, 187-88 (1989).

Significantly, the legislative power to establish inferior courts is not an original, inherent power of the legislative branch of government. Rather, it is a constitutionally delegated power which the legislature may not subsequently delegate.

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.⁵¹

The facts in *Cloherty* are instructive. In 1890, the people of the city of Tacoma adopted a municipal charter pursuant to state law. A provision in the charter established a police court. Joseph Cloherty was convicted of assault and battery and sentenced to six months in jail by the Tacoma city court. Cloherty sought *habeas corpus* relief, asserting that the Tacoma court had no legal existence, and therefore no jurisdiction to arraign, try, or convict him.

The legislative authority to prescribe municipal court jurisdiction and powers may not be delegated by the legislature to cities or towns.

The Supreme Court agreed, holding that the Tacoma court had no legal existence because (1) the legislature had not established the court's jurisdiction and powers as authorized by Const. Art. IV, §12, and (2) the legislature lacked the constitutional authority to delegate the transfer of judicial power to Tacoma so it could establish its new court by charter. The Supreme Court ordered Cloherty to be released.

The natural conclusion from this premise would be that a court for the administration of municipal ordinances must have been created by an act of the legislature.⁵²

On February 28, 1891, eight days after *Cloherty* was issued, the legislature established an inferior court system for cities with populations over 20,000.⁵³

Legislation Establishing Article IV Municipal Courts

As previously discussed, Washington's Constitution created inferior courts in Const. Art. IV, §12, but delegated limited authority to the legislature to determine what if any jurisdiction and powers should be transferred to inferior courts from superior and justice of the peace courts.⁵⁴

⁵¹ *In re Cloherty*, 2 Wash. at 142 (emphasis added).

⁵² *In re Cloherty*, 2 Wash. at 139.

⁵³ *In re Eng*, 113 Wn.2d 178, 187 (1989) (Laws of 1891, ch. 64).

Const. Art. IV, §12 reads—

SECTION 12 INFERIOR COURTS. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.⁵⁶

The history of Washington's courts of limited jurisdiction is set forth in Chapter 1 of Lake Forest Park Municipal Court Judge Linda S. Portnoy's impressive treatise WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION (LexisNexis 2015).⁵⁶

The cornerstone of Washington's courts of limited jurisdiction prior to 1961 was the justice of the peace, as authorized by Const. Art. IV, §10 and RCW 3.04–3.28. Inferior police courts were authorized by chapter 35 RCW.⁵⁷

Only municipal courts in cities with a population over 400,000 were authorized to impanel juries. Police court judges in first and third class cities, and in towns, were appointed from among the regularly elected county justices of the peace. Municipal judges in cities over 400,000 and police court judges in second class cities were directly elected.⁵⁸

Initially, city police court judges were appointed from among regularly elected county justices of the peace.

Municipal courts in cities with a population over 400,000 had concurrent jurisdiction with superior court judges and justices of the peace, and could serve as magistrates in preliminary hearings. These statutes intermingled the authority and functions of county justices of the peace and municipal court judges, and limited the cities' power to regulate municipal courts.⁵⁹

⁵⁴ The mandatory minimum qualifications of Washington's courts of limited jurisdiction judicial officers have evolved since statehood. See *Taylor v. Huntington*, 34 Wash. 455, 462 (1904) ("The reason why verity is imputed to the judgment of courts that are called 'courts of general jurisdiction,' or 'courts of record,' as distinguished from courts of limited jurisdiction, or inferior courts or tribunals, doubtless is that courts of the first class are presided over by men who are presumed to be learned in the law, aided and advised by practitioners who are also learned in the law, while courts of the other class are presided over by men of more limited learning and experience.").

⁵⁵ Underlined emphasis added. The legislature is not empowered to make a municipal court a court of record. *Seattle v. Filson*, 98 Wn.2d 66, 68-69 (1982), *overruled on other grounds by In re Eng*, 113 Wn.2d 178, 188-89 (1989). District courts are not courts of record. Const. Art. IV, §11.

⁵⁶ See also CARIN M. JOHNSON, A HISTORY OF COURT REFORM IN WASHINGTON FROM STATEHOOD TO THE PRESENT, 1889-1995 (REVISED TO INCLUDE COURT REFORM EFFORTS THROUGH 2002) (Summer 1995), prepared for the Walsh Commission on Judicial Selection (1996).

⁵⁷ See RCW 35.20.010 (cities over 400,000); RCW 35.22.420 (cities of first class), repealed by laws of 1984, ch. 258, §132; RCW 35.23.590 (cities of second class), repealed by laws of 1984, ch. 258, §133; RCW 35.24.450 (cities of third class), repealed by laws of 1984, ch. 258, §134; and RCW 35.27.520 (towns), repealed by laws of 1984, ch. 258, §134.

State v. Milroy, 71 Wash. 592, 595 (1913) (Courts established by the legislature shall in fact and in law be inferior courts. The legislature has done so with the establishment of police courts in second class cities.).

⁵⁸ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. 762, 763 (1980).

⁵⁹ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 764, citing *Massie v. Brown*, 84 Wn.2d 490, 493 (1974) (A city's adoption of a home rule charter pursuant to Const. Art. XI, §10 does not grant

By 1961, one commentator noted the “confusion and useless but tricky differences in the rules of procedure in the various inferior courts.”⁶⁰

In 1961, as part of an effort to make the court of limited jurisdiction system uniform, the legislature passed the Justice Court Act, which required a total reorganization of a county’s justice and municipal court system.⁶¹ The act was mandatory for class AA and class A counties,⁶² and optional for any other county by vote of its county commissioners. The 1961 act was separate and mutually exclusive from the justice of the peace statutes.⁶³ Two of the strongest features of the act were provisions authorizing the Supreme Court to adopt rules of procedure for justice of the peace courts, and ending fee payments to justices of the peace generated from court rulings.⁶⁴

The type of municipal court a city could maintain depended upon whether the county in which the city was located participated in the new district court system. Cities in those participating

The Justice Court Act of 1961 brought uniformity to justice of the peace county courts.

counties had to abandon their courts previously authorized by chapter 35 RCW, and select between the alternatives provided in the 1961 act. Cities in counties which retained the older justice of the peace system could establish a municipal court pursuant to chapter 35 RCW.⁶⁵

Although the Justice Court Act of 1961 brought uniformity to justice of the peace county courts, it did not standardize inferior courts.⁶⁶

In 1967, the legislature passed the Optional Municipal Code, chapter 35A RCW. The act was intended to confer to municipalities “the broadest powers of local self-government consistent

the city the power to establish or regulate traffic courts. “[S]uch courts can be created only by the legislature and they can be regulated by municipal corporations only to the extent that the legislature has delegated that power.”)

⁶⁰ STEVENS, JUDICIAL ADMINISTRATION: WASHINGTON LEGISLATION – 1961, 36 Wash.L.Rev. 297, 299 (1961).

⁶¹ RCW 3.30 – 3.74. The Justice Act of 1961 contained 132 sections and was divided into 12 separate chapters. While not willing to rule that all aspects of the 1961 act were in conformity with Washington’s Constitution, the Supreme Court held that the act did not improperly delegate the Const. Art. IV, §10 requirement mandating the legislature must determine the number of justices of the peace. *Long v. Odell*, 60 Wn.2d 151, 155 (1962).

⁶² At the time, the act was mandatory for King, Pierce and Spokane counties, although in those three counties any city with a population more than 500,000 or fewer than 20,000 could establish its own municipal court.

⁶³ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 764 (citation omitted).

⁶⁴ JUDGE LINDA S PORTNOY, WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION, at 1-5 (LexisNexis 2015).

⁶⁵ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 766-67.

⁶⁶ JUDGE LINDA S. PORTNOY, WASHINGTON CRIMINAL PRACTICE IN COURTS OF LIMITED JURISDICTION, at 1-4 (LexisNexis 2015).

with the Constitution of this state⁶⁷ which were previously unavailable under chapter 35 RCW.⁶⁸ The 1967 act also provided for municipal courts in code cities, with some limitations.⁶⁹

By 1984, the legislature recognized that municipal court statutory reform was needed due to the confusing nature of the multitude of statutes governing those courts.

The legislature finds that there is a multitude of statutes governing the municipal courts of the state. This situation is confusing and misleading to attorneys, judges, court personnel, and others who work with the municipal courts. The legislature therefore finds that a reorganization of the municipal courts of the state would allow those courts to operate in a more effective and efficient manner.

This chapter provides a court structure which may be used by cities and towns with a population of four hundred thousand or less which choose to operate under this chapter.⁷⁰

*The Court Improvement Act of
1984 standardized Washington's
municipal courts.*

Accordingly, the legislature enacted the Court Improvement Act of 1984⁷¹ to standardize Washington's municipal courts. The purpose of the 1984 act was to reorganize Washington's municipal courts in an effort to eliminate confusion over police court judges and justices of the peace, which would allow such courts to operate in a more effective and efficient manner.⁷²

The Court Improvement Act of 1984 (1) stated that municipal courts were Const. Art. IV, §12 inferior courts,⁷³ and (2) required cities previously operating municipal courts under chapters 35 or 35A RCW to take affirmative steps no later than January 1, 1985 to establish either a municipal court pursuant to chapter 3.50 RCW as amended by the 1984 act, or to establish a municipal department of a district court under chapter 3.46 RCW.⁷⁴

Today, Washington's municipal courts are established under one of two statutes based upon the population of the municipality. Chapter 3.50 RCW authorizes the establishment of municipal

⁶⁷ RCW 35A.01.010.

⁶⁸ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 765.

⁶⁹ RCW 35A.20.010; *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. at 765-66.

⁷⁰ RCW 3.50.005 (Laws of 1984, ch. 258, §101).

⁷¹ Laws of 1984, ch. 258.

⁷² The 1984 act converted "justices of the peace" and "police courts" into the current district and municipal court system, which now provides for two types of judges – "municipal court judges" and "district court judges." *In re Eng*, 113 Wn.2d 178, 185-86 (1989).

⁷³ RCW 3.50.010 (Laws of 1984, ch. 258, §103) ("Any city or town with a population of four hundred thousand or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled 'The Municipal Court of _____ (insert name of city or town)' ...").

⁷⁴ RCW 3.50.007 (Laws of 1984, ch. 258, §102, repealed by Laws of 2008, ch. 227, §12(21)). See *City of Spokane v. County of Spokane*, 158 Wn.2d 661 (2006) for the process a municipality must follow to terminate a municipal department of the county district court.

courts by ordinance for cities or towns with a population of 400,000 or less.⁷⁵ Chapter 35.20 RCW establishes a municipal court for every city with a population over 400,000.⁷⁶

Legislation Establishing Article IV Municipal Court Judges

A municipal court judge must be a lawyer licensed to practice law in Washington and be a citizen of the United States and Washington.⁷⁷ Generally, a municipal court judge does not have to be a resident of the city within which the municipal court is established, but must be a resident of the county in which the city is located.⁷⁸

Within 30 days after the effective date of the ordinance establishing a municipal court, the mayor shall appoint a judge or judges of the municipal court.⁷⁹

Municipal court judges serve a term of four years. Current municipal court judges' terms commenced on January 1, 2014 and expire on December 31, 2017.⁸⁰

Any vacancy in a municipal court due to a municipal court judge's death, disability, or resignation shall be filled by a mayoral appointment for the remainder of the unexpired term.⁸¹

Appointments for non-elected municipal court judges shall be made on or before December 1 preceding the commencement of the judicial term.⁸²

All municipal court judicial appointments by a mayor shall be confirmed by the municipality's legislative branch if that branch has the general power of confirmation over mayoral appointments.⁸³

⁷⁵ RCW 3.50.010.

⁷⁶ RCW 35.20.010. Chapter 35.20 RCW currently applies only to Seattle.

⁷⁷ RCW 3.50.040. Lay judges are permitted for cities with a population less than 5,000 if the lay candidate passed the qualifying examination for a lay candidate for judicial officer by January 1, 2003.

See chapter 35.20 RCW concerning Seattle Municipal Court judicial positions.

⁷⁸ RCW 3.50.057. If the municipal court judge is a part-time appointed judge serving without a commissioner, the judge need not be a resident of the city or county. RCW 3.50.075(5).

⁷⁹ RCW 3.50.040. Unlike Const. Art. IV, §10's requirement that the legislature determine the number of district court judges, the legislature is not constitutionally required to determine the number of municipal court judges.

⁸⁰ *Id.*

⁸¹ RCW 3.50.093.

⁸² RCW 3.50.040.

⁸³ RCW 3.50.040; RCW 3.50.093.

Every municipal court judge shall take and subscribe an oath or affirmation spelled out by statute. The oath shall be filed in the office of county auditor. The judge shall also give such bonds to the state and city for the faithful performance of the judge's duties as directed by law.⁸⁴

Municipal court judges shall be elected if the position is a full-time equivalent judicial position. Full-time equivalent position is defined as 35 or more hours per week of compensated time.⁸⁵ In a municipality with one or more full-time equivalent judicial positions, additional judicial positions shall be filled by election if the position is in combination more than one-half of a full-time equivalent position.⁸⁶

Full-time municipal court judges must be elected. Part-time municipal court judges may be appointed or elected.

A municipality's legislative authority may by ordinance require its municipal court judge to be elected even though the judicial position may be appointive.⁸⁷

A municipality may have its municipal court judge appointed by the mayor if the judicial position is less than 35 hours per week of compensated time, and the municipality's legislative branch has chosen to not require the position to be elective.⁸⁸

A municipality may also appoint an elected district court judge as its municipal court judge when the municipal court judicial position is not required to serve full-time.⁸⁹

One or more commissioners may be appointed by a municipal court judge. Each commissioner serves at the pleasure of the municipal court judge. A municipal court commissioner must be a lawyer licensed to practice law in Washington.⁹⁰ A commissioner need not be resident of the city or county.⁹¹ A commissioner does not have authority to preside over criminal trials, or civil jury trials unless the parties agree on the record.⁹²

⁸⁴ "Every judge of a municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation: 'I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of _____ (naming such city) according to the best of my ability' ... ". RCW 3.50.097. Note that the oath is limited to supporting our federal and state constitutions, and does not include supporting Washington's laws or a municipality's ordinances.

See RCW 3.34.080 for the oath required of district court judges.

⁸⁵ RCW 3.50.055(1).

⁸⁶ RCW 3.50.055(2). Contra RCW 3.50.070.

⁸⁷ RCW 3.50.050.

⁸⁸ RCW 3.50.040; RCW 3.50.050; RCW 3.50.055.

⁸⁹ RCW 3.50.040. All district court judges shall be elected. Const. Art. IV, §10; RCW 3.34.050.

⁹⁰ RCW 3.50.075. Lay commissioners are permitted if the lay candidate passed the qualifying examination for a lay candidate for judicial officer by January 1, 2003. RCW 3.50.075(3).

⁹¹ RCW 3.50.075(5).

⁹² RCW 3.50.075(4).

An Article IV Municipal Court Is A Separate And Co-Equal Independent Branch Of City Government

What are the constitutional implications when a Washington city or town, pursuant to statute, enacts an ordinance establishing a municipal court?

Const. Art. IV, §1 vests all the judicial power of the state of Washington in the constitutional courts listed therein, independently of any legislation.⁹³ Const. Art. IV, §1, by its very language, includes inferior courts.

In America's tripartite system of government, the doctrines of separation of powers and checks and balances are embedded in the Constitution as the dominant principle of the American political system. The ultimate purpose of this form of divided, separate but equal branches of government is for the protection of individuals against centralized authority and abuses of power.⁹⁴

These principles apply to Washington's Supreme Court, court of appeals, superior courts, district courts and municipal courts. The principles are not diluted simply because municipal courts are courts of limited jurisdiction. Municipal courts are constitutional courts.⁹⁵

Const. Art. IV, §§1 and 12 delegate limited authority to the legislature to transfer judicial power from one constitutional court (superior and district courts) to another constitutional court (municipal courts) by statutorily defining the jurisdiction and powers of inferior courts to which the legislature deems it wise to transfer judicial power.⁹⁶

This limited legislative authority to transfer judicial power is not an original, inherent legislative power. Rather, it is a delegated power which must be exercised as described by the Constitution, and as such cannot again be delegated by the legislature to municipalities.⁹⁷

Once established, municipal courts become a member of Washington's judicial branch, and a co-equal independent third branch of municipal government.

The legislature has deemed it wise pursuant to Const. Art. IV, §§1 and 12 to transfer some judicial power from superior and district courts to inferior courts, which the legislature decided to

⁹³ *In re Cloherty*, 2 Wash. 137, 139 (1891).

⁹⁴ *State v. Rice*, 174 Wn.2d 884, ¶29 (2012); *In re Juvenile Director*, 87 Wn.2d 232, 242-43 (1976); Federalist No. 78.

⁹⁵ *Spokane v. State*, 136 Wn.2d 663, 667-68 (1998).

⁹⁶ *In re Cloherty*, 2 Wash. at 139.

⁹⁷ *In re Cloherty*, 2 Wash. at 142.

call municipal courts.⁹⁸ Any city or town with a population of 400,000 or less may choose to establish a municipal court by enacting an ordinance.⁹⁹

Superior and district courts are members of Washington's judicial branch of government, independent from yet co-equal with Washington's executive and legislative branches at the state and county level. The doctrines of separation of powers, checks and balances and judicial independence originally vested in superior and district courts are also transferred to the new municipal court pursuant to those constitutional provisions. These constitutional safeguards possessed by superior and district courts exist to protect individual liberty against centralized

The judicial branch power transferred from superior and district courts to municipal courts retains all of its constitutional safeguards.

authority and abuses of power. These safeguards are not somehow extinguished by the transfer of judicial power from these courts to municipal courts because the legislature lacks the constitutional authority to impinge on the judicial independence of Article IV courts.

As envisioned by Washington's Constitution, municipal courts are not municipal departments subject to the whims of and obedience to city councils and mayors. The moment a city or town chooses to establish its municipal court by ordinance, all constitutional judicial power is automatically transferred from superior and district courts to that new municipal court pursuant to Const. Art. IV, §§1 and 12. Cloaked with all the constitutional judicial power transferred from superior and district courts, the new municipal court immediately becomes a third co-equal and independent branch of city government.

A contrary position lacks constitutional and case law support. *In re Cloherty's*¹⁰⁰ Const. Art. IV, §§1 and 12 analysis is clear. Cities do not have the inherent power to establish municipal courts nor the power to define a municipal court's jurisdiction and powers. Further, the legislature only has limited constitutional authority to transfer judicial power among Article IV courts. A city's executive and legislative branches lack any constitutional power to diminish much less eliminate the sovereignty of any of Washington's constitutional courts, including a city's municipal court.

Washington's courts of limited jurisdiction, including municipal courts, "serve as the window to the judicial branch for many people who do not normally have contact with the judicial system."¹⁰¹ Regardless of the size of a municipal court or its location in a rural or urban setting, Washington's Supreme Court has clearly established –

We ... will not and cannot tolerate any actions that do not comply with fundamental principles of due process. No shortcuts exist and any judicial officer, be he or she part-

⁹⁸ RCW 3.50.010 (Court Improvement Act of 1984); *In re Eng*, 113 Wn.2d 178, 185-86 (1989).

⁹⁹ *Id.*

¹⁰⁰ *In re Cloherty*, 2 Wash. at 139.

¹⁰¹ *In re Michels*, 150 Wn.2d 159, 170 (2003).

time, pro tem., or full-time must adhere to these principles in order that individuals who are charged with crimes are afforded the constitutional protections they are entitled to.¹⁰²

Washington's Article IV municipal court judges are constitutionally and ethically required to maintain their independence from the other two branches of city government. This independence is often placed at risk by a city's concern about the amount of revenue generated by its municipal court.

Revenue Generation Is Not A Core Function Of Article IV Municipal Courts!

A municipal court's role in generating revenue for its city has reached national attention due to the actions in the city of Ferguson, Mo. The Department of Justice's Ferguson Police Department report includes a scathing discussion of the excessive focus on revenue generation by the city, its police department and municipal court. Concerning the Ferguson Municipal Court's role, the report reads –

Ferguson has allowed its focus on revenue generation to fundamentally compromise the role of Ferguson's municipal court. The municipal court does not act as a neutral arbiter of the law or a check on unlawful police conduct. Instead, the court primarily uses its judicial authority as the means to compel the payment of fines and fees that advance the City's financial interests. This has led to court practices that violate the Fourteenth Amendment's due process and equal protection requirements. The court's practices also impose unnecessary harm, overwhelmingly on African-American individuals, and run counter to public safety...

Together, these court practices exacerbate the harm of Ferguson's unconstitutional police practices. They impose a particular hardship upon Ferguson's most vulnerable residents, especially upon those living in or near poverty. Minor offenses can generate crippling debts, result in jail time because of an inability to pay, and result in the loss of a driver's license, employment, or housing.¹⁰³

¹⁰² *In re Michels*, 150 Wn.2d at 167, 169 (2003) (Two appointed municipal court judges agreed to act as judges pro tempore for each other at no charge to save money for both communities. Judge Michels was sanctioned with a 120 day suspension without pay for repeatedly accepting guilty pleas from defendants whom he represented as a public defender, and also for the use of defective guilty plea forms.).

¹⁰³ United States Department of Justice Civil Rights Division, INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT (Mar. 4, 2015), at 3-4.

See also Conference of State Court Administrators, *2011-2012 Policy Paper – Courts Are Not Revenue Centers*, at the Council of State Governments Justice Center website, <https://csgjusticecenter.org/courts/publications/2011-2012-policy-paper-courts-are-not-revenue-centers/> (visited May 10, 2016).

Citing to the Ferguson Police Department report, Washington statutes and court rules, the Supreme Court made clear last year that a trial court must *sua sponte* make a record at a sentencing hearing concerning a criminal defendant's ability to pay legal financial obligations prior to imposing them.¹⁰⁴

Last month, the Supreme Court again emphasized the seven constitutional limitations on the imposition and collection of legal financial obligations.¹⁰⁵

Washington's judicial system justifiably takes pride in its consistent effort to maintain independence from the other two branches of government.¹⁰⁶ Unfortunately, experience with some municipal courts shows an on-going focus by its municipality on the primary use of its municipal court as a revenue generating department of city government.

Washington's judicial branch does not tolerate "cash register" justice.

Justice Talmadge addressed municipal courts being expected to act as collection agencies for local government in his concurring opinion concerning the discipline of Judge Hammermaster. Justice Talmadge was especially concerned about actions taken by some municipal executive and legislative branches to control their municipal courts by treating them like city departments rather than as an independent branch of city government. Justice Talmadge wrote –

Justice Madsen appropriately notes in the majority opinion that concerns have arisen regarding the independence of courts of limited jurisdiction, particularly municipal courts, in our state. Indeed, in this case, involvement of the City executive authorities in the development of Judge Hammermaster's "rules" creates separation of powers and judicial independence concerns.

Our opinion today conveys a very strong message to the judiciary and local governments in Washington that the Supreme Court will not tolerate short cuts in due process. While many municipalities have established municipal courts because they want to administer justice locally, it is also true many jurisdictions establish municipal courts for purely avaricious reasons – as revenue agencies to be operated if they "make money" and be dispensed with if they become inconvenient to administer or generate insufficient revenues. See, e.g., *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 909 P.2d 1303 (1996) (upholding statutory limitation on ability of city to repeal municipal criminal code).¹⁰⁷ Some local jurisdictions have even attempted to control performance

¹⁰⁴ *State v. Blazina*, 182 Wn.2d 827 (2015).

¹⁰⁵ *State v. Duncan*, 2016 WL 1696698, ___ Wn.2d ___, ¶7 (Apr. 28, 2016).

¹⁰⁶ *In re Hammermaster*, 139 Wn.2d 211, 234 (1999) ("Judicial independence requires a judge to commit to following the Constitution, the statutes, common law principles, and precedent without intrusion from or intruding upon other branches of government.").

¹⁰⁷ The city of Bellingham determined it could no longer afford a jail system, so the city repealed its criminal code except for minor offenses involving fines thereby resulting in a yearly fiscal impact of \$766,904 to the county for the increased caseload. Infractions continued to be handled by the municipal court. *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 540 n.1 (1996).

of duties by municipal court judges through devices such as performance audits, the provision of substandard court facilities, or nonjudicial control of court personnel.

Occasionally, in some jurisdictions, when the judge has been too independent and has refused to generate sufficient revenue for the municipality, the city's legislative or executive authorities have forced the ouster of the judge.

The Washington Supreme Court has inherent authority to supervise the administration of justice in the lower courts. We should strictly enforce the Code of Judicial Conduct in the operation of courts of limited jurisdiction. Moreover, we must not condone any derogation of the independence of the judicial branch of government by officials intent on revenue collection; we should not permit our courts to degenerate into collection agencies for local government at the expense of due process of law.¹⁰⁸

When Justice Talmadge wrote his concurring opinion, he no doubt was well aware of the results of an extensive study of Washington's courts of limited jurisdiction commissioned by Chief Justice Barbara Durham in 1995. Snohomish County District Court Judge W. Laurence Wilson, ret., and his wife Carol J. Wilson, were retained by the Office of the Administrator for the Courts

A 1974 report noted that generally Washington's municipal courts were viewed as revenue producing agencies by city government.

to attempt to conduct site visits and interview all Washington courts of limited jurisdiction judges whose courts had more than 400 annual filings.

*The Wilson Report*¹⁰⁹ was the first comprehensive study of Washington's courts of limited jurisdiction since a 1974 survey of these courts by John F. Boyd Associates. The Boyd survey recommended a unified court administrative system under the direction of the Supreme Court as the "best overall solution" to significantly improve limited jurisdiction courts.¹¹⁰ The 1974 Boyd survey had strong words for how Washington's municipal and district courts were viewed by the other two local government branches.

Generally, municipal courts are viewed as revenue producing agencies for the cities and the State Traffic Safety Fund, and justice courts are viewed as revenue producers for the county and State General Fund ... [T]he expressed fear of both county and city governments [is] that a unified court system would eliminate these sources of government revenue.¹¹¹

The Wilson Report began by observing that "[m]any of the problems noted in [The Boyd survey] have been noted *again* in this survey, more than 20 years later."¹¹² The report's conclusions

¹⁰⁸ *In re Hammermaster*, 139 Wn.2d 211, 248-50 (1999) (Talmadge, J., concurring) (emphasis added).

¹⁰⁹ W.L. & C.J. Wilson, *Courts of Limited Jurisdiction Assessment Survey Report 1995-1997* (OAC 1997), also known as *The Wilson Report*.

¹¹⁰ *The Wilson Report*, at 164.

¹¹¹ *The Wilson Report*, at 166.

¹¹² *The Wilson Report*, at 164.

about judicial independence and the separation of powers in Washington's courts of limited jurisdiction were troubling.

In the past, local funding authorities have expressed grave concern over the possible loss of "control" of their local court. While it is widely recognized and accepted that the public interest can only be served by full cooperation between three equally independent branches of government, the independence of the judicial branch seems to be less widely accepted. The very fact that legislation has been seriously proposed in the 1997 Legislature to remove the doctrine of judicial review underscores the seriousness of the escalating erosion of judicial equality and independence.¹¹³

A 1997 report noted on-going interference by local government over its limited jurisdiction courts.

Courts are constitutionally dependent on the executive and legislative branches of government for the enforcement of courts orders and sufficient funding. In some courts, support of the funding agency is contingent upon directives contained in ordinances that limit the judicial officer's discretion. In other courts, judicial officers are considered only *contract* employees with no responsibility or control over events, records, or personnel outside of the courtroom. In our opinion, the court must be truly independent of the local funding agency.

An independent trial court will not survive unless the politically expedient tactics of the past are discontinued.

Historically within the judiciary, judges in positions of responsibility have been so anxious to cooperate with their executive and legislative counterparts that judicial independence has been adversely affected. Current demands on the judiciary in our fast moving, highly violent society

demand that the trial court have the flexibility and independence to quickly and impartially resolve new and previously unknown problems. Fair and equal justice for all demands that the court be free of local interference and control. Therefore, in our opinion, a totally independent trial court under the leadership of the State Supreme Court is absolutely necessary. An independent trial court will not survive unless the politically expedient tactics of the past are discontinued.¹¹⁴

The Wilson Report next turned its attention to the independence of non-elected municipal court judges.

The independence of the court depends on the independence of the judge. If the local funding authority is telling the judge by ordinance when to hire staff, who to hire, and how and when to function, then the judge clearly works for the local funding authority, but not necessarily the public. Conflicts of interest are almost unavoidable if the judge is

¹¹³ Query the recent unsuccessful legislation to reduce the size of the Supreme Court from 9 to 5 justices in response to its decision and subsequent orders in *McCleary v. State*, No. 84362-7, 173 Wn.2d 477 (2012).

¹¹⁴ *The Wilson Report*, at 165 (italics in original) (underlined emphasis added).

only a part-time judicial officer, with other responsibilities involving a private law practice or some other position. There are instances where part-time judicial officers, free of conflicts of interest, are very ably serving the court. However, in the public interest there is no substitute for a legally trained full-time judicial officer.

Where a full-time judicial officer is not required, an appropriate solution might be the consolidation of local courts in the region for the purpose of electing a judicial officer. The difficulty of serving two masters is demonstrated when the judicial officer is appointed by the funding agency, and later learns the meaning of *serves at the pleasure of*. The election of the judge, or appointment by an individual or agency other than the funding authority, is critical to the independence of the court.¹¹⁶

The Wilson Report did not advocate for the termination of all municipal courts, however, despite the many problems witnessed during the survey because regional circuit district courts may not meet the public need in every case. Determining that some municipal courts did exist which were free of control or influence by city policy makers, the report recommended the retention of municipal courts only if they are "subject to the same statutes, rules, policies, and procedures that apply to district courts, i.e., elected judges, identical civil, small claims, and criminal jurisdiction with identical maximum penalties, etc., subject to the administrative supervision of the Supreme Court."¹¹⁶

A judge selected by the funding agency will soon learn the meaning of "serves at the pleasure of."

Only municipalities that embrace the "cash register justice" concept would have reason to oppose this type of legitimate municipal court.¹¹⁷

Sadly, *The Wilson Report's* 1997 concerns and Justice Talmadge's subsequent 1999 comments about some municipal courts being treated by city government as collection agencies to generate city revenue upon penalty of judicial performance audits, substandard and potentially unsafe court facilities, non-judicial control of court personnel, or the ultimate control over a municipal court, its termination, continue to exist.

Forty-two years after the 1974 Boyd survey, and almost twenty years after *The Wilson Report's* troubling observations and Justice Talmadge's "strong message" to cities, the judicial independence of Washington's municipal courts remains in jeopardy.

Some examples of "cash-register justice" and serving at the "pleasure of the funding agency" will next be discussed.

¹¹⁵ *The Wilson Report*, at 166-67.

¹¹⁶ *The Wilson Report*, at 167-68.

¹¹⁷ *The Wilson Report*, at 168.

Assault On The Judicial Independence Of Washington's Article IV Municipal Courts And Judges By City Officials

Although often well-meaning with a legitimate concern for the expenditure of taxpayer monies, many examples exist of municipal legislative and executive branch interference with the judicial independence of their municipal courts. Sometimes, that interference is a direct response to the municipal court's decisions. Other times, the interference is expressed as a concern for the expenditure of tax dollars and/or revenue generation. Either way, judicial independence is impacted. Several examples help to highlight the on-going problem.

1990 Bremerton. Non-Judicial Control of Court Personnel and Forced Ouster of Appointed Judge. In 1990, part-time Bremerton Municipal Court Judge Roy A. H. Rainey refused to fire his court administrator despite demands to do so from the mayor and city

Bremerton judge not retained because of dispute over court personnel.

council. After at least two closed meetings and without discussion with Judge Rainey, the council voted to place the judge's staff under the direction of the mayor, and to eliminate the court administrator position from the 1991 budget. After

intervention by Chief Justice Keith M. Callow, the council withdrew its plan. Judge Rainey's term expired on December 31, 1991. He was not reappointed. The newly appointed judge dismissed the court administrator three months after being appointed. Judge Rainey was presented with the Washington State Bar Association's 1991 Outstanding Judge of the Year award.¹¹⁸

1997 Elma. Non-Judicial Control of Court Personnel and Mid-Term Forced Ouster of Appointed Judge. As the result of a dispute with

city administration regarding the discipline of a court employee, Elma Municipal Court Judge Jean A. Cotton was suddenly "unappointed" by the mayor.¹¹⁹

Elma judge removed from office mid-term because of dispute over court personnel.

¹¹⁸ DMCJA Workgroup, *Judicial Independence & Part-Time Municipal Courts* (DMCJA Sept. 14, 2012), also known as The Allen Report due to the exceptional leadership by Ruston and Milton Municipal Court Judge Sandra L. Allen, at 33 n.13.

¹¹⁹ Robert B. C. McSeveney, *Judicial Independence Committee Report* (DMCJA April 30, 1997). Judge McSeveney's report states the issue as follows –

However, the DMCJA is increasingly aware of the plight of some past and present municipal court judges throughout the state whose judicial independence and administration of their courts has been challenged or interfered with by their respective local legislative officials who are either ignorant of state laws and legal principles governing judicial independence and court operations, or who intentionally disregard legislative mandate for the sake of expedience and/or compromise.

1999 Multiple King County. King County Municipal Court Independence Abuses. Many examples are provided of “abusive behavior” by King County municipalities concerning

Multiple King County municipalities involved in “abusive behavior” towards their municipal courts.

their municipal courts, including – pressure on judges to not impose jail sentences because of the cost to the municipality; reprimand, coercion, and firing or non-renewal of contracts for “non-cooperative” judges; “score cards” being kept on whether judges dismissed too many cases; substantially disparate traffic offense fines in an “obvious moneymaking effort” by an

adjoining higher fining jurisdiction; disrespect for the judge who did not comply with the perceived goals of the executive or legislative branch of the municipality; and conduct showing an absence of judicial independence such as police personnel having free access into non-public court spaces.¹²⁰ The report also discussed the difficulties former Auburn Municipal Court Judge Duncan Bonjorni experienced with the city of Auburn.

2002 Multiple. Continuing Municipal Court Independence Abuses. “Regrettably, there is an ongoing dark side to some municipal court operations in this state centering on the dilemma of which official is responsible to administer the court and the extent of the authority of the presiding judge. In many municipalities, it is all too common for the local judge to be considered a

Multiple municipalities statewide continue to treat their municipal courts as departments.

‘department head’ or worse, merely an ‘employee’ of the court, void of any independent authority beyond the policies, procedures and dictates of the local government or a personal service contract. Courts are also demeaned by being labeled a ‘department’ or ‘office’ of the city subject to the policies of the executive or legislative branch of the

The report continues by discussing several examples of interference with municipal court judicial independence, including (1) personal service contracts which either severely limit the judge’s involvement with court operations or which contract away legislative mandates; (2) disciplinary or hiring and firing decisions of court personnel made by city officials without judicial involvement, in violation of RCW 3.50.080; (3) city ordinances on municipal court operations and judicial authority enacted in direct conflict with state law; (4) court trust accounts and other financial operations being handled by city finance departments instead of the court administrator; (5) improper and inappropriate annual performance reviews of judges by city administrators in accordance with local personnel policies; and (6) municipal courts being unconstitutionally organized under the executive branch of local government subject to a city department head.

¹²⁰ Report by Judiciary & Courts Committee, *Judicial Independence in Courts of Limited Jurisdiction* (King County Bar Association Oct. 6, 1999). The report concludes at 3 –

Thus, it is clear from the information solicited that it is all too common for the judiciary not to be viewed or accepted as an independent branch co-equal with the executive and legislative in municipalities around the state. The sub-committee is convinced the problem is very significant and worthy of our resources and attention. Implementation of judicial independence appears a politically difficult task because local governments are well organized and have much influence in the legislature.

municipality. This conduct persists in courts of limited jurisdiction despite court rules, cases and statutes to the contrary."¹²¹

2004 Chelan. Mid-Term Forced Ouster of Appointed Judge and Court Termination. In

Chelan court terminated mid-term. Judge forced to sue to obtain lawful salary.

2004, the Chelan city council passed an ordinance eliminating its municipal court half-way through the court's four-year term. Former Chelan Municipal Court Judge Jill R. Wise brought suit seeking compensation for her contractual four year term. Judge Wise was awarded her contracted salary, along with

attorney fees.¹²²

2009 Bonney Lake. Performance Audit and Forced Ouster of Appointed Judge. Judge Douglas H. Haake was appointed Bonney Lake Municipal Court judge in 2007 midway through the court's term after former Judge James J. Helbling retired. Judge Haake's term expired on December 31, 2009. He applied for a full four-year term, but his contract was not renewed.

During his term, Judge Haake determined that his predecessor's imposition of administrative fees ranging from \$1,000 to \$3,000 for deferred prosecutions were unlawful. Judge Haake set administrative costs at \$150, which was a significant loss of revenue to the city. He also began appointing public defense counsel for low-income defendants more frequently than his predecessor.

Bonnie Lake judge not retained because of dispute over lawful imposition of LFOs and appointment of counsel costs.

When asked about the cost of appointing counsel during his subsequent job interview, Judge Haake noted: "I didn't pull any punches, I told them my position." Judge Haake attributes his failure to get the four-year appointment to city officials' concerns about

¹²¹ Judge Robert McSeveney, *Municipal Courts, Judicial Independence, and the Board for Judicial Administration*, Washington State Bar News, October 2002. Judge McSeveney identified seven examples at pp. 23-24 of judicial independence interference, primarily from the executive branch of local government – (1) city ordinances and organization charts that place court administrator and staff under direct supervision of the city operations director, finance director or other executive officer; (2) city ordinances that identify the court as a "department" or "office" of the city, which reports to city administration, including judicial personal service contracts containing provisions contrary to chapter 3.50 RCW and GR 29; (3) collective bargaining agreements governing working conditions of court employees being negotiated and approved by the executive branch without the judge's input or approval; (4) budgeted and council-approved FTE court position being removed from the court and transferred to a city parks department over objection of the presiding judge; (5) mayor telling judge to cease recording court sessions because such recording "serves no purpose" and is a "potential liability;" (6) city executive, with blessing of city attorney, interfering with a court employee discipline/termination decision; and (7) city manager with concurrence of city attorney assigning all city bankruptcy filings and proceedings to a court clerk for processing over judge's objection.

¹²² *Wise v. City of Chelan*, 133 Wn.App. 167 (2006).

money. "The appointment process is rife with at the least the potential for decisions being made on an improper basis."¹²³

2009 Union Gap. Non-Judicial Control of Court Personnel and Forced Ouster of

Union Gap judge not retained because of dispute over court personnel.

Appointed Judge. Due to budget shortfalls, the Union Gap city council eliminated six positions. The municipal court deputy clerk position was not one of the six eliminated. The Union Gap mayor determined that he had the authority to "bump" employees with less seniority and ordered the deputy clerk

displaced by a non-judicial city employee with more seniority. Municipal Court Judge Kip Kendrick notified the mayor that only the judge could lay off court personnel. The mayor, through the city attorney, "impliedly threatened the termination of Judge Kendrick's appointment if he insists asserting the rights of the judicial branch."¹²⁴

Judge Kendrick filed for declaratory judgment in Yakima Superior Court seeking an order prohibiting the city from "bumping" his deputy clerk. On July 29, 2010, Yakima County Superior Court Judge E. Thompson Reynolds granted Judge Kendrick's request, ruling that the city lacked the constitutional power to "bump" a court employee and replace that employee with a non-judicial employee with more seniority.¹²⁵

Union Gap decided not to re-appoint Judge Kendrick.¹²⁶

2011 Bainbridge Island. Substandard Court Facilities, Performance Audit, Reduced Salary, and Forced Ouster of Appointed Judge.

At the beginning of her second term, Bainbridge Island Municipal Court Judge Kathryn Carruthers was asked towards the end of 2009 to publicly address the city manager, council and public concerning the state of the court. Judge Carruthers discussed among other things the state of the municipal court building, which had housed the court in Rolling Bay miles from the Winslow city core since the facility was deemed a

Bainbridge Island judge not retained because of dispute over the condition and location of the court. The judge's salary was reduced mid-term and judge forced to sue to obtain lawful salary.

¹²³ *Bill Struggles to Give Municipal Judges Freedom from Cities' Pressure of Revenues*, Crosscut website, <http://crosscut.com/2010/12/bill-struggles-give-municipal-judges-freedom-from/> (visited Apr. 30, 2016).

¹²⁴ Complaint ¶5.9, filed November 5, 2009 in *Judge Kip Kendrick v. City of Union Gap and Mr. James Lemon, its mayor*, Yakima County Superior Court No. 09-2-04137-6.

¹²⁵ Declaratory Judgment and Order Setting Aside Arbitrator's Award filed August 2, 2010, and Final Judgment re: Claims of Judge Kendrick, filed August 6, 2010. *Judge Kip Kendrick v. City of Union Gap and Mr. James Lemon, its mayor*, Yakima County Superior Court No. 09-2-04137-6.

¹²⁶ *Bill Struggles to Give Municipal Judges Freedom from Cities' Pressure of Revenues*, Crosscut website, <http://crosscut.com/2010/12/bill-struggles-give-municipal-judges-freedom-from/> (last visited Apr. 30, 2016). "The judge asserts his right in Union Gap and they fire him," says Sen. Adam Kline, a Seattle Democrat who chairs the judiciary committee of the state Senate. "How independent is the judiciary in that city?"

“temporary” location for the court in 1991. Judge Carruthers implored the mayor and council to work with her to find a permanent solution for a court facility.

Shortly thereafter, the Bainbridge Island mayor and Poulsbo mayor began discussions to relocate the Bainbridge Island court to a newly built city hall facility in Poulsbo. Judge Carruthers publicly voiced her concerns about moving the court off the island. The public became involved, and ultimately the proposal to relocate the court was dropped.

During this timeframe in 2011, midway through Judge Carruthers’ term, the city unilaterally reduced Judge Carruthers’ salary from 0.67 FTE to 0.50 FTE. Judge Carruthers was forced to sue the city. In October 2011, King County Superior Court Judge Palmer Robinson ruled in favor of Judge Carruthers, holding that the city lacked the constitutional authority to reduce a judge’s salary during the judge’s term of office.

A few months before Judge Carruthers’ term of office was to expire on December 31, 2013, she was informed by city officials that her contract would not be renewed but she could submit her application to be considered along with other applicants for the judicial position. Judge Carruthers chose instead to retire.¹²⁷

2011 Multiple, Part-Time Municipal Courts’ Independence. In 2011, the Administrative Office of the Courts asked cities served by part-time municipal courts to provide public records that would help develop an objective picture of the current state of Washington’s municipal courts and judicial independence.

AOC report finds multiple judicial independence violations concerning part-time municipal courts.

The subsequent AOC report identified several judicial independence concerns – (1) judges in several cities were not assured definite four-year terms of office during which their compensation may not be diminished, thereby conflicting with constitutional and statutory requirements; (2) the terms of several judges were on a different appointment cycle than required by RCW 3.50.040, creating a basis for challenging the judge’s legal authority; (3) many cities had ordinances related to judicial discipline and termination which failed to reflect the constitutional role of the Commission on Judicial Conduct; (4) many cities had ordinances granting authority for the appointment of pro tem judges to city officials in violation of the presiding judge’s authority; (5) several cities described their courts as functioning as a city department managed by the mayor, city manager or finance director rather than as an independent branch of city government headed by the presiding judge; (6) most court administrators and court personnel were supervised by persons outside the judicial branch who took their direction from someone other than the presiding judge in direct conflict with GR 29; (7) some cities had provisions intruding on the court’s decisional independence; and (8) some cities enacted local ordinances requiring fees that were

¹²⁷ DMCJA Workgroup, *Judicial Independence & Part-Time Municipal Courts* (DMCJA Sept. 14, 2012), at 29-33.

prohibited or not authorized by state law, and which altered statutory revenue distribution schemes.¹²⁸

2012 Multiple. Judicial Independence & Part-Time Municipal Courts. In response to the 2011 AOC report and the concerns it raised about the independence of Washington's part-time municipal courts, the District & Municipal Court Judges' Association formed a workgroup tasked with attempting to contact all of Washington's 65 part-time municipal court judges for their perspective on their court's judicial independence. Of the 65 judges, 46 agreed to be interviewed by the workgroup.

The majority of judges reported that their courts were independent from city government and were respected by the other two branches. However, a minority of judges reported multiple judicial independence concerns; including – (1) a part-time judge knows all too well that raising structural issues identified by AOC with the city might be seen as complaining, which may result in non-renewal of the judge's contract; (2) unless a judge only wants to serve one term, the judge cannot ignore the relationship with the mayor, council, city clerk and police chief which results in the court being seen and treated as a city department; (3) having to negotiate salary and benefits for part-time judicial employment inherently places the lawyer in a subservient position with the other two branches of city government, especially when municipal executive and legislative branch officials do not negotiate for their salary and benefits with the court; (4) the part-time judge's salary should be prorated based on the salary established for full-time judges, and benefits should be required similar to those provided to the other two city branches; (5) every election cycle, the court has to worry whether someone will be elected who does not respect the independence of the court; and (6) public defender expenses being included in the court's budget is problematic, as is a recent problem concerning the city administrator believing only she had the power to close a court during inclement weather.¹²⁹

DMCJA report finds part-time municipal court judges generally pleased with their treatment, but some express concern of backlash and non-retention if any problems are raised by the judge.

2012 Auburn. Performance Audit, Mid-Term Forced Ouster of Elected Judge and Court Termination. The Auburn Municipal Court was established in 1991 when, pursuant to chapter 3.50 RCW, the city enacted Auburn Municipal Code 2.14.¹³⁰ As a full-time court, Auburn's Municipal Court judge was required to be elected. Judge Patrick Burns was re-

¹²⁸ *Part-time Municipal Courts in Washington* (AOC 2011), at 5-6.

¹²⁹ DMCJA Workgroup, *Judicial Independence & Part-Time Municipal Courts* (DMCJA Sept. 14, 2012), at 9, 33-38.

¹³⁰ Auburn Ord. 4521.

elected in 2009. His term of office was January 1, 2010 through December 31, 2013. Judge Burns was unopposed in 2009.¹³¹

On July 16, 2012, midway through Judge Burns' term, Auburn's city council voted 6 to 1 to repeal Auburn Municipal Code 2.14, thereby terminating the Auburn Municipal Court and its elected judicial position held by Judge Burns. The city also voted to contract with King County for District Court judicial services.¹³² Auburn's Mayor, Peter B. Lewis, stated the following in his weekly update to the people of Auburn concerning the decision to terminate the city's municipal court –

The City Council had been studying a proposal to go to the King County Court system for months. They'd had ten open meetings about it. They'd received pounds of materials and financial spreadsheets to go through, to match and

Auburn Municipal Court was terminated mid-term due to a dispute with the judge about jail and probation costs.

The elected judge was removed from office, but not by the electorate.

compare. That night over a hundred impassioned people showed up to support the local court. There were attorneys and providers of services, concerned citizens, parents and families of staff and some that had been in the court system and a few political types as well.

The Council has a great deal of respect for the Judge and the people that work at the court. The issue was not one of character but of sustainability. Auburn has over three times

the number of people out on probation today than Federal Way, Kent or Renton at three times the cost of their programs. We have more people in jail than in any of the three cities that are much larger than our own city. Yet our number of arrests is about the same as a decade ago as is the numbers in the other cities. But our costs for probation and for the people sent to jail have been going up each year. The debate the Council has gone through was about the ability of a city our size to afford a philosophy that is not possible in any of the other cities around us.¹³³

With the vote the court system will transition to the King County District Court. Court will still be held in Auburn at the Auburn Justice Center. We will have

¹³¹ King County Elections, November 3, 2009 General Election, <http://your.kingcounty.gov/elections/200911/Respage6.aspx> (visited on Aug. 12, 2012).

¹³² Auburn Ord. 6417, which repealed Auburn Municipal Code 2.14, was effective five days after its passage, approval and publication. Auburn Ord. 6417.

On the same day the Auburn Municipal Court was terminated, the city also enacted Resolution No. 4833 which authorized the Mayor and City Clerk to execute an Interlocal Agreement between Auburn and King County for District Court judicial services, and Resolution No. 4834 which authorized the Mayor and City Clerk to execute a lease agreement between Auburn and King County for District Court judicial services to be held in Auburn's court facility.

¹³³ Judge Burns' probation and sentencing philosophies were not a secret, and were certainly known to Auburn's voters who presumably agreed with his philosophies when they re-elected Judge Burns.

regular meetings with the court officials right here in town. Small Claims will now be available in Auburn. Civil cases can now be heard in Auburn as well as other functions.¹³⁴

2015 Granger and Sumner. Possible Court Termination. In September 2015, the DMCJA Board was notified of Granger's and Sumner's interest in terminating their municipal courts, and contracting with another jurisdiction for court services.¹³⁵

Granger and Sumner have decided to retain their courts, for now.

Currently, Granger Municipal Court remains in Granger. Starting in January 2016, Sumner's court services began operating through Bonney Lake Municipal Court.¹³⁶

A municipality's executive and legislative branch decision to terminate its court goes to the heart of institutional judicial independence. There is no greater example of a separation of powers violation impacting judicial independence than a legislative and executive branch decision to terminate its judicial branch, a branch that is constitutionally required to be a co-equal third branch of government. Const. Art. IV, §1.

According to Auburn Mayor Lewis' statement, the city of Auburn decided to terminate its municipal court not because of the character of the judge or staff, but due to the expense of having more defendants on probation than Federal Way, Kent or Renton, and the expense of having more defendants in jail.

The public reasons given by the mayor to terminate the city's court goes directly to the decisional independence of Judge Burns. The city disagreed with Judge Burns' decisions concerning sentencing and probation. Yet those decisions were made by Judge Burns as authorized by the constitution, and as elected by Auburn's residents. The legislature has granted authority to courts of limited jurisdiction to impose up to 364 days in jail for gross misdemeanor offenses and 90 days for misdemeanor offenses. The legislature has also granted authority to courts of limited jurisdiction to suspend some or all of that

Auburn's and Chelan's experiences prove that any of Washington's municipal courts may be terminated at any time by a city's executive and legislative branches.

jail time, and to place defendants on probation to monitor compliance with all sentence conditions. An offender's compliance with these court-imposed conditions is monitored by the court's probation staff.

¹³⁴ July 20, 2012 (An update to the people from Mayor Pete Lewis), http://www.auburnwa.gov/government/officials/Mayor_Pete_Lewis/updates/archive/072012.asp (visited Aug. 12, 2012).

¹³⁵ DMCJA Board of Governors Meeting Minutes, September 3, 2015, at 3.

¹³⁶ City of Sumner Municipal Court website, <http://sumnerwa.gov/government/city-services/municipal-court/> (last visited Apr. 30, 2016).

A city has many options to reduce the costs associated with its law and justice obligations instead of termination of its judicial branch. A city's executive branch city attorney could file fewer criminal charges by prioritizing crimes it chooses to pursue; it could institute a pre-charge diversion program; it could reduce charged offenses to obtain resolutions resulting in lower penalties; it could decriminalize low-level criminal offenses; it could seek to raise taxes to cover the cost of law enforcement, it could reduce the budgets of other city departments; and/or it could reduce the budget of its municipal court.

The ultimate decision, of course, concerning an elected judge's philosophy and the economic costs associated therewith, is for the public to elect a new judge with a different philosophy. The city of Auburn's decision to terminate its court and remove its elected judge disenfranchised the Auburn electorate's decision to elect Judge Burns, and deprived the Auburn electorate of its statutory right to vote in the future for its municipal court judge.

Auburn city officials obviously believed their decision was lawful and constitutional to terminate their municipal court, prohibit its duly-elected judge from completing his term contrary to the wishes of the voting public, and transfer judicial power by interlocal agreement to King County. The city of Chelan similarly held the same position that it had the legal authority when it terminated its municipal court midway through Judge Wise's term.

If Auburn and Chelan are constitutionally correct, the decisional and institutional independence of all Washington Article IV municipal court judges (both elected and appointed judges) will be forever subservient to the whims of the city's executive and legislative branches.

The above examples also prove that Washington's municipal court judges, both elected and appointed, may be removed at any time by their municipalities other two branches.

In other words, all Washington municipal courts are simply departments which better be obedient to their "co-equal" executive and legislative branches lest those branches choose to eliminate their "co-equal" judicial branch because the judicial branch is not quite as "co-equal" as the other two branches.¹³⁷ Even if a municipal court judge has a good relationship with the city's current mayor and council, the next election cycle could see new executive and legislative branch members who may not share the same respect for the independence of the municipal court.

While not as drastic since their courts were not terminated, the decisions by Bremerton, Elma, Bonney Lake and Bainbridge Island to "go in another direction" and not retain their judges in direct response to actions taken by the judges sends the same strong message to "co-equal" appointed judges. At any point if the mayor and/or council want you replaced, you are gone. So the appointed municipal court judge better be obedient or expect to look for work elsewhere.

¹³⁷ Query Auburn's and Chelan's response to the sophomoric position that their municipal courts had the constitutional authority as a co-equal branch of city government to terminate the executive and/or legislative branches, or to remove the mayor and/or council and appoint new individuals to these positions because their policies did not please the municipal court.

How did Auburn and Chelan come to the legal conclusion that their municipal courts could be terminated, and that municipal court judicial power could be transferred to another entity by the mayor and council through interlocal agreement?

Next, a discussion about legislation delegating to the municipal executive and legislative branches the authority to terminate their established municipal court, and to transfer judicial power to another entity.

Legislation Authorizing A City Mayor And Council to Terminate The City's Established Article IV Municipal Court

The Justice Court Act of 1961 authorized a municipality to terminate its previously established municipal court "by ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter."¹³⁸ The Court Improvement Act of 1984 enacted additional statutes concerning termination of a municipal court.¹³⁹

Counties are generally responsible for the expenses of administering criminal laws within their boundaries.¹⁴⁰ The Court Improvement Act of 1984 attempted to apportion the expenses of prosecuting criminal offenses by prohibiting a city from repealing its criminal code "in its entirety" to avoid the imposition of additional criminal justice system costs on county government.¹⁴¹

Despite the passage of the Court Improvement Act of 1984, cities and counties continued to disagree about the apportionment of expenses arising from the prosecution of misdemeanor and gross misdemeanor offenses.¹⁴² Some cities avoided the financial burden on such expenses altogether by refusing to adopt a criminal code, thus transferring those expenses to

¹³⁸ RCW 3.50.060 (Laws of 1961, ch. 299, §55).

¹³⁹ RCW 3.50.805 (population of 400,000 or less) (Laws of 1984, ch. 258, §203); RCW 35.20.010(2) (population more than 400,000) (Laws of 1984, ch. 258, §201).

¹⁴⁰ *State v. Agren*, 32 Wn.App. 827 (1982) (Counties, and not the State, are liable for appellate costs incurred by a successful non-indigent criminal defendant.). But see *City of East Wenatchee v. Douglas County*, 156 Wn.App. 523 (2010) (City responsible for juvenile detention expenses incurred by using a juvenile facility 3 miles away but in another county, after the city declined to utilize the county juvenile facility because the facility was located 158 miles from the city.).

¹⁴¹ RCW 3.50.800 (Laws of 1984, ch. 258, §202).

¹⁴² *City of Medina v. Primm*, 160 Wn.2d 268, ¶23 (2007).

the county. Other cities partially repealed their criminal codes which similarly transferred the expenses of prosecuting those criminal offenses to the county.¹⁴³

In response, the 1996 legislature enacted RCW 39.34.180 which expressly allocated to cities

Primm upheld a municipality's executive and legislative branch authority to determine where to locate its municipal court.

Primm did not authorize a municipality's transfer of judicial power or staff to another entity.

the financial responsibility for the prosecution of all criminal misdemeanor and gross misdemeanor offenses occurring within city limits.¹⁴⁴ The remaining portions of RCW 39.34.180 set forth the parameters of interlocal agreements between cities and counties.¹⁴⁵ By its terms, RCW 39.34.180 governed only interlocal agreements between a city and its county.¹⁴⁶

In 2007, the Supreme Court was confronted with the statutory propriety of city to city interlocal agreements wherein Medina, Clyde Hill, and Yarrow Point contracted to share court facilities with Kirkland when Kirkland's Municipal Court facility was outside the geographical boundaries of their respective municipalities. Municipal court hearings for the three

contracting municipalities were conducted by their municipal court judge¹⁴⁷ enforcing their respective municipal codes, but held in Kirkland's court facility.

The issue before the court was not whether Kirkland Municipal Court had subject matter jurisdiction to hear violations arising under the municipal codes of the three municipalities, but whether the municipal courts of the three municipalities had jurisdiction to hear cases outside the geographical boundaries of their respective municipalities.¹⁴⁸

¹⁴³ *City of Medina v. Primm*, 160 Wn.2d at ¶23 n.5 (Federal Way repealed its criminal code relating to domestic violence cases and Seattle repealed ordinances criminalizing the possession of marijuana). See also *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 539 (1996) (Bellingham's decision to repeal all but a few criminal offenses from its city code was a *de facto* repeal of its code, thus shifting the financial burden of prosecuting jailable offenses to the county.)).

See also *In re Hammermaster*, 139 Wn.2d 211, 249 (1999) (Talmadge, J., noting city manipulation of local court systems to maximize revenue and avoid costs).

These tactics often placed a "significant burden of the county's district court." Legislation was adopted to prevent municipalities from terminating or limiting their court systems in such a way that some or all criminal cases would be forced onto the county district courts without compensation. *City of Spokane v. County of Spokane*, 158 Wn.2d 661, ¶19 (2006) (citations omitted).

¹⁴⁴ *City of Medina v. Primm*, 160 Wn.2d at ¶24.

¹⁴⁵ *Id.* See RCW 3.50.810 for notice timelines when a city or county wishes to terminate a courthouse sharing agreement.

¹⁴⁶ *City of Medina v. Primm*, 160 Wn.2d at ¶25.

¹⁴⁷ The three municipalities appointed the Kirkland Municipal Court judge to also serve as the municipal court judge for the three municipalities. When sitting as municipal court judge for the three municipalities, the judge was enforcing that city's municipal code. *City of Medina v. Primm*, 160 Wn.2d at ¶¶2,7.

¹⁴⁸ *City of Medina v. Primm*, 160 Wn.2d at ¶1.

In *City of Medina v. Primm*,¹⁴⁹ the court upheld city to city interlocal agreements for court facility sharing pursuant to several statutes.¹⁵⁰

While agreeing with the majority holding that cities could contract with each other to share court facilities, Chief Justice Alexander, joined by Justice Bridge, encouraged the legislature “to consider eliminating legislative authorization for this practice” because such a practice “has the capacity to cause considerable inconvenience to the public.” The statutory scheme placed no “legal impediment to cities that are separated by greater distances” from entering such agreements. Such a result could seriously inconvenience those having to travel a great distance to defend against a charge.

While the practice that allows a city to contract with another city for municipal court services may be viewed by some as a legitimate cost savings or efficiency measure, it does not, in my view, serve the public well and, in effect, taxes a portion of the public in order to achieve any cost savings. More importantly, it has the capacity to impede the quest for justice and, thereby, reduces the public's respect for its justice system.¹⁵¹

Justice Sanders, joined by Justices Owens and James Johnson, dissented, asserting that Kirkland Municipal Court lacked subject matter jurisdiction to hear cases adjudicating Medina's, Clyde Hill's, or Yarrow Point's municipal codes, and accordingly those municipalities lacked the power to create or operate municipal courts in Kirkland.¹⁵²

Prior to 2008, RCW 3.50.020 provided that Washington's municipal courts¹⁵³ had exclusive original jurisdiction over traffic infractions and criminal violations arising under duly adopted ordinances by the municipality in which its municipal court was located.¹⁵⁴ Accordingly, only that

¹⁴⁹ *City of Medina v. Primm*, 160 Wn.2d 268 (2007).

¹⁵⁰ RCW 3.50.020 (municipal court jurisdiction); RCW 3.50.805 (governing termination of municipal court services performed by one municipality on behalf of another), RCW 3.62.070 (regulating the fees cities must pay to district court for enforcement of city ordinances except “where a city has contracted with another city for such services pursuant to chapter 39.34 RCW”) and RCW 39.34.080 (authorizing public agencies to contract with one another for government services). *City of Medina v. Primm*, 160 Wn.2d at ¶¶16,25.

¹⁵¹ *City of Medina v. Primm*, 160 Wn.2d at ¶¶33-35 (Alexander, C.J. concurring, joined by Bridge, J.).

¹⁵² *City of Medina v. Primm*, 160 Wn.2d at ¶43 (Sanders, J., dissenting, joined by Owens, J. and James Johnson, J.).

¹⁵³ With a population of 400,000 or less.

¹⁵⁴ *City of Auburn v. Gauntt*, 174 Wn.2d 321 (2012) (A city with a population of 400,000 or less lacks statutory authority to prosecute state criminal offenses in its municipal court unless the state statute was adopted by city ordinance.).

See also AGO 1981 No. 4 (A municipal court does not have exclusive, or even concurrent jurisdiction, over traffic infractions occurring within the geographic boundaries of the municipality based upon an alleged violation of state law. Accordingly, if a defendant has been cited by the state patrol for a violation of state law occurring within the boundaries of a municipality with a municipal court, the “proper court to hear and determine the alleged traffic infraction is the district court...”).

But see RCW 35.20.250 which provides that municipal courts in cities with a population over 400,000 have “concurrent jurisdiction with the superior court and district court in all civil and criminal matters as

municipal court had jurisdiction over its city's ordinances. Superior courts, district courts, and other municipalities lacked subject matter jurisdiction over those offenses.¹⁶⁵

In 2008, the legislature significantly expanded *Primm's* holding that a municipality had statutory authority to contract with another municipality to share a courthouse. RCW 3.50.020¹⁶⁶ was amended to grant exclusive original subject matter jurisdiction to any "hosting jurisdiction" with which a municipality chooses to contract so that the "hosting jurisdiction" may hear cases arising from ordinances from the contracting municipality. This legislation helped to create the current climate of municipal court terminations upon a "hosting jurisdiction's" ability to present a budget which "underbids" the contracting city's municipal court budget. RCW 3.50.020 was amended as follows –

In 2008, the legislature gave all municipal executive and legislative branches the authority to transfer judicial power from their municipal court to another entity.

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city (~~in which the municipal court is located~~) and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city.¹⁶⁷ The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal

now provided by law for district judges....," including misdemeanor and gross misdemeanor violations of state law, regardless of whether a city has an express ordinance adopting the state law. *City of Auburn v. Gauntt*, 174 Wn.2d. at ¶16; *City of Seattle v. Briggs*, 109 Wn.App. 484 (2001).

¹⁶⁵ RCW 3.66.060 provides that district courts shall have jurisdiction concurrent with superior courts of all misdemeanors and gross misdemeanors committed in their respective counties, and of all violations of city ordinances. RCW 3.50.020, however, removed the RCW 3.66.060 subject matter jurisdiction from superior and district courts for the items explicitly listed in RCW 3.50.020.

If a municipality does not have a municipal court, district courts are empowered to hear and determine violations of municipal ordinances pursuant to RCW 3.66.060. *Town of Forks v. Fletcher*, 33 Wn.App. 104 (1982). See also *Exendine v. City of Sammamish*, 127 Wn.App. 574 (2005) (District court empowered by RCW 3.66.060 and valid interlocal agreement with municipality to issue search warrant for a criminal violation of a city code when municipality had not established a municipal court or municipal department of the district court.).

¹⁶⁶ Laws of 2008, ch. 227, §5.

¹⁶⁷ Const. Art. IV, §12 grants limited constitutional authority to the legislature to transfer portions of judicial power from superior and district courts to municipal courts. The legislature's delegation of this limited power whereby a municipality is statutorily authorized to contract with another municipality or a county to transfer judicial power from the municipality's municipal court to the "hosting" jurisdiction will be discussed *infra*.

court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program.¹⁵⁸

RCW 3.50.815 was also created to statutorily authorize a municipality to contract by interlocal agreement with either a county or another municipality for any municipal court service,¹⁵⁹ including court, staff and facility.¹⁶⁰ RCW 3.50.003 was amended to create new definitions for "city," "contracting city," and "hosting city."¹⁶¹ The 2008 legislation also repealed chapter 3.46 RCW, which as part of the Court Improvement Act of 1984, had allowed a city to create a municipal department of the district court.¹⁶²

A municipal executive and legislative branch seeking to terminate its established municipal court must comply with several statutes. RCW 3.50.060 reads –

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with RCW 3.50.805, 35.22.425,¹⁶³ 35.23.595,¹⁶⁴ 35.24.455,¹⁶⁵ 35.27.515,¹⁶⁶ 35.30.100,¹⁶⁷ and 35A.11.200.¹⁶⁸

A city or town newly establishing a municipal court pursuant to this chapter shall do so by adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year.

A municipality must first reach an agreement with the county or another municipality for payment of costs before it terminates its municipal court.¹⁶⁹ RCW 3.50.805(1) reads in pertinent part–

¹⁵⁸ RCW 3.50.020 (emphasis added). Seattle Municipal Court has jurisdiction as set forth in RCW 35.20.030.

¹⁵⁹ RCW 3.50.815 (Laws of 2008, ch. 227, §4).

¹⁶⁰ See RCW 39.34.180(1).

¹⁶¹ RCW 3.50.003 (Laws of 2008, ch. 227, §3).

¹⁶² Laws of 2008, ch. 227, §12. Municipal departments established before July 1, 2008 were authorized to continue to operate as such. RCW 3.46.015 (Laws of 2008, ch. 227, §11).

¹⁶³ A first class city.

¹⁶⁴ RCW 35.23.595 was repealed by Laws of 1994, ch. 81, §89.

¹⁶⁵ RCW 35.24.455 was recodified as RCW 35.23.555 (a second class city) pursuant to Laws of 1994, ch. 81, §90.

¹⁶⁶ A town.

¹⁶⁷ An unclassified city.

¹⁶⁸ An optional municipal code city.

¹⁶⁹ RCW 3.50.805. See *Whatcom County v. City of Bellingham*, 128 Wn.2d 537 (1996).

(1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination...¹⁷⁰

The current statutory scheme authorizes any Washington municipal executive and legislative branch¹⁷¹ to terminate its previously established municipal court upon reaching an interlocal agreement with another municipality or county that the contracting municipality will pay the hosting jurisdiction a reasonable amount for costs associated with running the contracting municipality's court.

Once the agreement is made, the contracting city by contract transfers judicial power previously held by its Article IV municipal court to the hosting jurisdiction, which is then statutorily granted original exclusive subject matter jurisdiction to adjudicate the contracting city's ordinance

violations pursuant to RCW 3.50.020 by the hosting entity's court.

Once a municipality contracts with another entity, it can terminate its court whereupon the "hosting" entity's court has exclusive original jurisdiction over all matters filed by the "contracting" city.

No statutory limitation is placed upon a municipality's authority to terminate its Article IV municipal court, so long as that municipality's executive and legislative branches agree to terminate their court, and the municipality can reach agreement with another city or county. RCW 3.50.060.

Every year, at budget time, every Article IV municipal court is subject to being terminated upon another municipality's or county's "cost-saving" budget proposal being accepted by that municipal court's co-equal executive and legislative branches. Every year!

The roadblock to this statutory analysis is two-fold – statutory and constitutional.

RCW 3.50.060 authorizes a city or town to terminate its municipal court only upon compliance with several statutes, including RCW 3.50.805. RCW 3.50.805 provides that a municipality "shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW concerning payment of reasonable costs. RCW 39.34.080 reads –

¹⁷⁰ Emphasis added.

¹⁷¹ See RCW 35.20.010(2)-(4) for a somewhat similar statutory scheme for termination of Seattle's Municipal Court.

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: PROVIDED, That such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.¹⁷²

*Are Washington's municipal courts merely departments, and their judges merely employees, ever obedient to their theoretically "co-equal" executive and legislative branches?
Statutorily, the answer is yes.*

The "governing body" of an Article IV municipal court is the municipal court's presiding judge.¹⁷³ The presiding judge cannot delegate judicial and administrative duties "to persons in either the legislative or executive branches of government."¹⁷⁴ RCW 39.34.080 does not permit public agencies to contract with each other unless the "governing body" agrees to the contract. Statutorily, a municipality's executive and legislative branches lack the authority to "contract out" judicial services to a hosting entity because only the presiding judge may do so as the "governing body."

*City of Medina v. Primm*¹⁷⁵ held that a municipality's executive and legislative branches can pursuant to RCW 39.34.080 decide to have its municipal court housed in a courthouse outside the geographic boundaries of the municipality upon contract by interlocal agreement with another jurisdiction because the decision where to locate a municipal court is a municipal executive and legislative branch decision to make. The issue before *Primm* was not, however, whether a municipality's executive and legislative branches have the constitutional authority to transfer judicial power from an Article IV municipal court to another jurisdiction.

Which leads to the constitutional question motivating the creation of this article.

Are a municipality's executive and legislative branches "authorized by law" as required by RCW 39.34.080 to transfer judicial power from an Article IV municipal court to another entity? For the answer to this question, the legislature's constitutional power to establish and terminate Article IV municipal courts must be examined.

¹⁷² Emphasis added.

¹⁷³ GR 29.

¹⁷⁴ GR 29(f).

¹⁷⁵ *City of Medina v. Primm*, 160 Wn.2d 268 (2007).

A City Mayor And Council Lack Constitutional Authority To Terminate Their Article IV Municipal Court, And Transfer Judicial Power To Another Entity

Although the legislature's constitutional power to terminate all Article IV municipal courts or a specific municipal court has not been litigated, it is likely the legislature has the constitutional power to do so because Const. Art. IV, §12 does not require the legislature to establish any municipal courts.¹⁷⁶

In *State ex rel. Murphy v. McBride*,¹⁷⁷ the Supreme Court was called upon to determine the legislature's constitutional power to increase or decrease the number of Washington Supreme Court justices. Const. Art. I, §2 reads –

SECTION 2 SUPREME COURT. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision...The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.¹⁷⁸

The Supreme Court held based upon the above constitutional language that it shall never be decreased below five justices, but the legislature has the constitutional authority to from “time to time” increase the court's number of justices. The Court reasoned that since the constitution delegated to the legislature the power to increase the number of Supreme Court justices, the legislature must also have the constitutional power to decrease the number of justices, so long as the number was not decreased below the constitutionally mandated minimum five justices.

If, therefore, the legislature has power to increase the number of judges as occasion or convenience requires, and there is no restriction upon a decrease, except below five, it follows that a decrease may be had to this minimum when necessity or occasion requires, of which necessity or occasion the legislature is the exclusive judge. Again, the fact that the Constitution has placed a minimum limit and permitted an increase in the number of judges is a strong inference that the increased number may be reduced to the minimum.¹⁷⁹

¹⁷⁶ Compare Const. Art. IV, §§1 and 10 which require the legislature to establish district courts (formerly justice of the peace courts). *In re Eng*, 113 Wn.2d 178, 184 (1989).

¹⁷⁷ *State ex rel. Murphy v. McBride*, 29 Wash. 335 (1902).

¹⁷⁸ Emphasis added.

¹⁷⁹ *State ex rel. Murphy v. McBride*, 29 Wash. at 343 (emphasis added).

Somewhat similar to Const. Art. IV, §2's provision concerning the legislative authority to determine the number of Supreme Court justices over five is Const. Art. IV, §10's requirement that the legislature determine the number of justices of the peace --

SECTION 10 JUSTICES OF THE PEACE. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of the justices of the peace...¹⁸⁰

The legislature cannot constitutionally delegate the power to determine the number of justices of the peace to the county.¹⁸¹

The legislature is granted the constitutional discretion whether to establish any municipal courts pursuant to Const. Art. IV, §§1 and 12. Since the legislature has the constitutional discretionary power to transfer judicial power from superior and district courts to municipal courts if it decides to establish municipal courts, similar to the constitutional power it has to increase or decrease Supreme Court justices over five, it must also have the constitutional power to terminate previously established municipal courts, and upon termination transfer judicial power back to superior and district courts.

While it appears that the legislature can constitutionally terminate any established Article IV municipal court, can the legislature delegate that constitutional power to municipalities such that

The legislature has a limited constitutional power to establish the jurisdiction and powers of municipal courts. Inherent in that power is the authority to terminate Article IV municipal courts.

a municipality is "authorized by law" as required by RCW 39.34.080 to terminate its municipal court and enter into an interlocal agreement to transfer judicial power from its Const. Art. IV, §12 municipal court to another municipality or county?

The answer to this question was provided over 125 years ago by our Supreme Court in *In re Cloherty*. Since statehood in 1889, judicial power has been vested only in Washington's Article IV courts, of which municipal courts once established are members. The legislature is granted limited constitutional

authority to transfer power from superior and district courts to municipal courts. This constitutional authority only includes prescribing by law the jurisdiction and powers of municipal courts, and does not include the power to encroach on the judicial independence of municipal courts once they are established. Const. Art. IV, §§1 and 12. This limited constitutional

¹⁸⁰ See RCW 3.34.010, .020, and .025.

¹⁸¹ *State ex rel. Kurtz v. Pratt*, 45 Wn.2d 151 (1954). See also *In re Eng*, 173 Wn.2d 178, 188 (1989), citing *Manus v. Snohomish County Justice Court Dist. Committee*, 44 Wn.2d 893, 896 (1954), and *Long v. Odell*, 60 Wn.2d 151, 152 (1962).

Const. Art. IV, §10 does not apply to municipal courts. Therefore, a municipality has the constitutional authority to add new departments and judges in the manner required by statute. *In re Eng*, 173 Wn.2d at 188-89.

legislative power to prescribe municipal court jurisdiction and powers may not be delegated by the legislature to Washington's municipal executive and legislative branches.¹⁸²

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.¹⁸³

If the legislature has an inherent constitutional power to terminate established Article IV municipal courts, *In re Cloherty* could not be more clear that the legislature lacks the constitutional authority under Const. Art. IV, §§1 and 12 to delegate that termination power to a municipality's executive and legislative branches.

The legislature has never had the constitutional power to delegate the termination of an Article IV municipal court to a municipality's executive and legislative branches.

This conclusion also makes constitutional sense. An Article IV municipal court, at the moment it is established, becomes a member of Washington's judicial branch. Const. Art. IV, §1 provides for the constitutional separation of powers, which demonstrates itself from a judicial branch perspective by the constitutional requirement and protection of judicial independence from the other two branches.

Although the legislature can fashion the jurisdiction and powers of Article IV municipal courts, it cannot constitutionally interfere with the core functions that make them Article IV municipal courts in the first place.¹⁸⁴ Inherent in any court is its judicial independence from its co-equal executive and legislative branches.

The ultimate judicial independence violation occurs when an executive and legislative branch seek to terminate its co-equal judicial branch.

Since a Const. Art. IV, §12 municipal court upon being established becomes a third co-equal independent branch of municipal government, delegating the power to terminate that municipal court to the other two branches of municipal government immediately converts that Article IV municipal

court into a subservient and obedient department of municipal government. Const. Art. IV, §§1 and 12 prohibit such a result.

¹⁸² *In re Cloherty*, 2 Wash. 137 (1891). See also *State ex rel. Kurtz v. Pratt*, 45 Wn.2d 151 (1954) (Const. Art. IV, §10 requires the legislature to determine the number of justices of the peace. It lacks the constitutional authority to delegate to county commissioners the power to reduce that legislative number.).

¹⁸³ *In re Cloherty*, 2 Wash. at 142 (emphasis added).

¹⁸⁴ See *State v. Rice*, 174 Wn.2d 884, ¶35 (2012) (While the legislature constitutionally prescribes the duties of prosecuting attorneys, a core function of prosecuting attorneys is the exercise of broad discretion in a charging decision. "Although the legislature can fashion the duties of prosecuting attorneys, the legislature cannot interfere with the core functions that make them 'prosecuting attorneys' in the first place." Held that legislatively mandated charging of special allegation of sexual motivation violated constitutional independence of the executive branch prosecutor's office.).

Accordingly, even if RCW 3.50.060 and 3.50.805(1) are constitutional, which they are not, a municipality is not "authorized by law" as required by RCW 39.34.080 to contract with another municipality or county to transfer its Article IV municipal court's judicial power and thereafter terminate the municipal court. The law, in this case the Constitution, makes clear that the legislature lacks the constitutional power to delegate to a municipality's executive and legislative branches the power to terminate an established Article IV municipal court.

Finally, the incorporation of municipalities is governed by Const. Art. XI, §10 and generally chapter 35.02 RCW. Once a municipal corporation is established, a city or town may disincorporate either voluntarily or involuntarily.¹⁸⁶ For a voluntary disincorporation to succeed, a majority of the voters must vote for disincorporation. Upon such a vote, the municipality shall be dissolved.¹⁸⁶ Under certain statutorily defined circumstances, a superior court can order a town to be involuntarily dissolved.¹⁸⁷

Regardless of the method of municipal disincorporation, a municipality's executive and legislative branches lack the constitutional and statutory authority to dissolve any branch of a municipality. Such a decision may only be made by a municipality's voters, or a superior court.

The test to determine whether a separation of powers violation has occurred is whether the activity of one branch threatens the independence or integrity or invades the prerogatives of another.¹⁸⁸ If it does, then the damage caused by a separation of powers violation accrues directly to the branch invaded. "The maintenance of a separation of powers protects institutional, rather than individual, interests."¹⁸⁹

Washington's Article IV municipal courts are not for sale to the lowest bidder, nor are a municipality's executive and legislative branches in a constitutional position to sell or buy a municipal court.

The fundamental functions of each branch of government shall remain inviolate.¹⁹⁰ A municipality's executive and legislative branches' attempt to terminate its established Article IV municipal court is the ultimate attack on the judicial independence of the municipal court, in violation of the separation of powers doctrine and Const. Art. IV, §1.

So what does all this mean concerning the hundreds to thousands of cases handled by a hosting jurisdiction based upon statutorily authorized interlocal agreements with a contracting

¹⁸⁵ Chapter 35.07 RCW.

¹⁸⁶ RCW 35.07.080.

¹⁸⁷ RCW 35.07.230 to .260.

¹⁸⁸ *Zylstra v. Piva*, 85 Wn.2d 743, 750 (1975).

¹⁸⁹ *Carrie v. Locke*, 125 Wn.2d 129, 136 (1994), citing *Commodity Futures Trading Comm'n v. Schur*, 478 U.S. 833, 106 S.Ct. 3245, 3257, 92 L.Ed.2d 675 (1986).

¹⁹⁰ *City of Spokane v. County of Spokane*, 158 Wn.2d 661, ¶28 (2006) ("The doctrine of separation of powers serves mainly to ensure that the *fundamental functions* of each branch shall remain inviolate.").

municipality when such agreements to transfer judicial power are not constitutionally authorized?

The next discussion explores *de jure* offices and *de facto* officers.

The Official Acts Of A *De Facto* Judge Are Valid And Enforceable Until The Legislative Action Establishing The Court's Authority Is Declared Invalid

In 1980, the Court of Appeals in *State ex rel. Farmer v. Edmonds Municipal Court*¹⁹¹ was called upon to decide whether the Edmonds Municipal Court was properly established, and if not, whether all actions taken by the invalid court should be disturbed.

In 1971, Edmonds reorganized under the optional municipal code, RCW Title 35A.¹⁹² Edmonds continued filing cases brought for the violation of its ordinances in the county's Edmonds District Court.¹⁹³ In 1975, ostensibly pursuant to chapter 35A.20 RCW, Edmonds established its own police court and discontinued filing municipal ordinance violation cases in the county court. Unlike in district courts, where jury trials were allowed for serious offenses, at the time jury trials were not permitted in police courts.¹⁹⁴

The appellants, who were charged in the Edmonds Municipal Court with separate DUI offenses, sought jury trials. Their motions were denied, as were their writs of review to superior court.¹⁹⁵

¹⁹¹ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. 762 (1980), *review denied*, 95 Wn.2d 1016 (1981).

¹⁹² RCW Title 35A's optional municipal code was enacted by the legislature in 1967 to confer greater powers of local self-control than was possible under RCW Title 35. *Id.*, at 765-66.

¹⁹³ The Justice Court Act of 1961 "required a total reorganization of a county's justice and municipal court system ... The county commissioners were authorized to set district boundaries, enact transitional provisions, and provide for the appointment of justice court commissioners. The terms of the previous justices of the peace ended upon order of the county commissioners, and new judges were to be elected. Municipal courts in cities and towns subject to the 1961 act could be organized in accordance with the options and alternatives provided in that act." *Id.*, at 765 (citations omitted).

In 1965, the Snohomish County Board of County Commissioners adopted the justice court act. *Id.*, at 766.

¹⁹⁴ *Id.*

¹⁹⁵ While the writ process should be used sparingly, it is appropriate when challenging a municipal court's jurisdiction to resolve alleged violations of the city's code. *City of Hoquiam v. Strid*, 46 Wn.App. 457, 459, *review denied*, 108 Wn.2d 1011 (1987) (municipal court had jurisdiction; writs quashed). See also chapter 7.16 RCW (certiorari, mandamus, and prohibition), chapter 7.24 RCW (uniform declaratory judgments act), and chapter 7.40 RCW (restraining orders and injunctions).

They timely appealed.¹⁹⁶ The Court of Appeals reversed denial of the writs of review, and remanded to the trial court for further action consistent with the appellate decision.¹⁹⁷

The issue presented was “whether optional municipal code cities situated in district court counties may forego the provisions of the 1961 justice act and elect to create a police court pursuant to RCW chapter 35A.20.”¹⁹⁸

The Court of Appeals held that Edmonds was precluded from establishing a police court pursuant to chapter 35A.20 RCW because the Snohomish County commissioners adopted the 1961 act, which required Edmonds to instead select among the alternatives provided in RCW 3.30-3.74.¹⁹⁹

Generally, there must be a de jure office before there can be a de facto officer.

This holding, however, did not mean that the five years’ previously rendered judgments and sentences were now

subject to collateral attack.

Our holding that the present Edmonds Municipal Court lacks jurisdiction over municipal offenses should not be taken to imply that final judgments and sentences previously rendered in that court are now subject to collateral attack. When those judgments were rendered and those sentences imposed, the judge or judges functioned as *de facto* officers.

An officer *de facto* is a person in actual possession of an office, exercising its functions and discharging its duties under color of title. A judge serving under such circumstances has authority until displaced by a direct proceeding for that purpose.²⁰⁰

Generally, a *de jure* office must exist before conducting an analysis concerning the possibility of upholding previous actions by a *de facto* officer.²⁰¹ This general rule is modified, however, when the office is legislatively established.

The general de jure rule is modified when the office is legislatively established, albeit improperly.

Generally, there must be a *de jure* office before there can be a *de facto* officer.

Where the office is created by legislative act or municipal ordinance, however, the general rule yields and the office is regarded as a *de facto* office until the act or

¹⁹⁶ *Id.*, at 763.

¹⁹⁷ *Id.*, at 769.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*, at 767.

²⁰⁰ *Id.*, at 767-68 (citations omitted) (emphasis added) (paragraphs added for ease of reading).

²⁰¹ When a judge has *de jure* authority to preside over a matter, a reviewing court need not reach the question of *de facto* authority. *City of Spokane v. Rothwell*, 166 Wn.2d 872, ¶17 (2009) (County-wide elected district court judge had *de jure* authority to preside over part-time municipal department cases because she was properly appointed part-time judge by the city.).

ordinance is declared invalid. The official acts are valid and enforceable against the public and third parties.²⁰²

While Farmer received the benefit of the Court of Appeals' decision because he timely challenged the Edmonds Municipal Court's jurisdiction over him, the Court of Appeals clearly held in *dicta* that collateral attacks of previously entered judgments and sentences would not be granted because the Edmonds Municipal Court was established by the city pursuant to statute and ordinance, albeit improperly.

*In re Eng*²⁰³ involved several consolidated cases concerning the constitutional validity of Seattle Municipal Court's departments 4, 5 and 7.²⁰⁴

Eng was convicted of possession of a meter key in Seattle Municipal Court's department 7. He was sentenced to a year in jail with 245 days of the sentence suspended. Eng's sentence was

A de facto judge's rulings are valid and enforceable until the legislation establishing the court's authority is declared to be invalid.

thereafter re-imposed due to a new theft charge. Eng sought a writ of habeas corpus from King County Superior Court, for the first time contesting the legitimacy and jurisdiction of department 7. The petition was denied, and Eng's appeal ensued.²⁰⁵

While finding that Seattle Municipal Court's departments 4 and 5 were constitutionally and legislatively established, the Supreme Court held that the same could not be said for department 7. Since department 7 was not properly established, its actions were invalid.²⁰⁶

Eng's conviction remained valid, however, because his counsel conceded that the judge had *de facto* authority over Eng since Eng's jurisdictional challenge was made during a post-judgment collateral attack.²⁰⁷

At the time of Eng's litigation, Seattle Municipal Court also had a department 4N which was not at issue in *Eng*. Department 4N was a night court, operating in the department 4 courtroom, but handling matters from various departments. Department 4N had not be established by ordinance in accordance with RCW 35.20.020. In response to the *Eng* decision, Seattle's municipal code was amended in 1989 and both departments 4N and 7 were established.²⁰⁸

²⁰² *Id.*, at 768 (citations omitted) (emphasis added) (paragraphs added for ease of reading).

²⁰³ *In re Eng*, 113 Wn.2d 178 (1989).

²⁰⁴ Only Eng's situation concerning his post-sentence collateral challenge to department 7's jurisdiction is germane to this discussion.

²⁰⁵ *Id.*, at 180-81.

²⁰⁶ *Id.*, at 195.

²⁰⁷ *Id.* Eng's counsel's concession that department 7 had *de facto* authority over Eng at the time of Eng's collateral attack on the court's jurisdiction makes sense in light of *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. 762 (1980), *review denied*, 95 Wn.2d 1016 (1981).

²⁰⁸ *State v. Canady*, 116 Wn.2d 853, 854-55 (1991).

In July 1987, a pro tempore judge sitting in department 4N issued a search warrant to search Canady's residence for evidence of a marijuana growing operation. Canady was thereafter charged in superior court. He timely challenged the legitimacy of department 4N and its authority to issue a search warrant. Canady's motion to suppress was denied, he was convicted and his appeal ensued.

The Supreme Court distinguished its holding in *Eng* because Canady "never conceded this issue; he has challenged it from the outset."²⁰⁹ The appropriate rule to be applied when a defendant timely challenges the lawful authority of a court is as follows –

Under a constitutional government such as ours, there can be no such thing as an *office de facto*, as distinguished from an *officer de facto*. Hence, the general rule that the acts of an officer de facto are valid has no application where the office itself does not exist.²¹⁰

Unlike in *Edmonds* where an official attempt was made to establish the office in question, albeit unsuccessfully, department 4N "seems to have come into existence purely for the sake of convenience, with no basis in law at all."²¹¹

Since no official attempt was made to establish department 4N, the judge who issued the search warrant to search Canady's residence had "neither *de jure* nor *de facto* authority, and the warrant was invalid."²¹² The Supreme Court dismissed Canady's charge.²¹³

Although a municipality's executive and legislative branches lack the constitutional authority to terminate its established Article IV municipal court and transfer judicial power to another entity, the hosting jurisdiction's *de facto* judge's actions remain valid until the legislation establishing the contracting municipality's statutory authority to terminate its court and transfer judicial power is declared to be unconstitutional.

²⁰⁹ *Id.*, at 856.

²¹⁰ *Id.*, at 857 (citations omitted).

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*, at 858. See also *State v. Walker*, 101 Wn.App. 1 (2000) (Walker was cited for consuming alcohol in a public park, and agreed in writing to appear for a hearing. When Walker did not appear, the clerk of the Tacoma Municipal Court issued an arrest warrant for failure to appear. Walker was arrested on the warrant. He was found to possess cocaine, and was thereafter charged in superior court with possession. The Court of Appeals held that no statute or court rule authorized a court clerk to issue a warrant absent judicial participation. The cocaine was suppressed.).

A Municipality's Executive And Legislative Branches Do Not Have Constitutional Authority To Decide Whether To Retain An Appointed Article IV Municipal Court Judge At The End Of The Judge's Term

The American method of initially selecting a judge, either by executive and/or legislative branch appointment or by election, has been debated throughout American history. Each method has its pros and cons. Both methods of initial judicial selection, though, are accepted as constitutional.²¹⁴

Regardless of the method of initial judicial selection, once a judge takes the bench he or she must be free from control by the other two branches of government.

A Judiciary free from control by the Executive and the Legislature is essential if there is a right to have claims decided by judges who are free from potential domination by other branches of government.²¹⁵

The judiciary must be free from control by the other two co-equal branches of government.

The federal Constitution promotes this concept of judicial independence from the other branches by specifically providing –

The judges, both of the supreme and inferior courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.²¹⁶

²¹⁴ The report from the DMCJA Workgroup, *Judicial Independence & Part-Time Municipal Courts* (DMCJA Sept. 14, 2012), aka *The Allen Report*, included an extensive Appendix which provided verbatim excerpts from several studies and reports discussing the selection of Washington judges.

Judicial Council Task Force on Courts of Limited Jurisdiction Report (OAC 1988) (recommending the election of all municipal court judges). *The Allen Report Appendix*, at 12-14.

The Walsh Report (1996) (detailing several recommendations for obtaining and retaining qualified judges, including initial appointment of a judge by a citizen nominating commission, one open election after appointment where any qualified lawyer can challenge the nominating commission judicial appointment, and thereafter retention elections where the public can vote whether to retain the judge). *The Allen Report Appendix*, at 20-22.

²¹⁵ *United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 482, 66 L.Ed.2d 392 (1980).

²¹⁶ U.S. Const. Art. III, §1.

In Federalist No. 78, Alexander Hamilton argued that by making the tenure of federal judges permanent and not temporary, the Constitution ensured judges would not be changed according to the interests or whims of the executive or legislative branches of government. This “permanency in office” concept, Hamilton asserted, was essential to maintain judicial independence from the other two branches.²¹⁷ Hamilton also emphasized the importance of protecting judicial compensation.²¹⁸

The Compensation Clause is designed to benefit the public interest in a competent and independent judiciary, not the judges as individuals. *Evans v. Gore*, 253 U.S. 245, 40 S.Ct. 550, 551, 64 L.Ed. 887 (1920).

The Compensation Clause also “ensures a prospective judge that, in abandoning private practice – more often than not more lucrative than the bench – the compensation of the new post will not diminish. Beyond doubt, such assurance has served to attract able lawyers to the bench and thereby enhances the quality of justice.” *United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 483, 66 L.Ed.2d 392 (1980).

²¹⁷ Only one Supreme Court justice, Samuel Chase, an original signatory on the Declaration of Independence, has been impeached by the House of Representatives. The Senate acquitted Chase in 1805. Chase was appointed to the Supreme Court by President George Washington in 1796, and served on the high court until his death in 1811.

President Thomas Jefferson, alarmed at the seizure of power by the judiciary through the claim of exclusive judicial review, led his party’s efforts to remove Federalist judges from the bench, including Chase. All eight articles of impeachment approved by the House of Representatives involved Chase’s work as a trial judge in lower circuit courts while serving on the Supreme Court.

The acquittal of Chase was an important constitutional event because it put an end to a series of efforts to limit the extent of judicial independence under the Constitution. The acquittal set an unofficial precedent that many historians argue ensured the independence of the federal judiciary. All impeachments of federal judges since Chase have been based upon allegations of legal or ethical misconduct, not on judicial performance.

Chief Justice William Rehnquist asserted that Chase’s acquittal had a “profound effect on the American judiciary” for two reasons. First, “it assured the independence of federal judges from congressional oversight of the decisions they made in the cases that came before them. Second, by assuring that impeachment would not be used in the future as a method to remove members of the Supreme Court for their judicial opinions, it helped to safeguard the independence of that body.” WILLIAM H. REHNQUIST, *GRAND INQUESTS: THE HISTORIC IMPEACHMENTS OF JUSTICE SAMUEL CHASE AND PRESIDENT ANDREW JOHNSON* (William Morrow & Co., Inc.) (1992), at 114.

Fourteen lower court federal judges have been impeached. Eight have been convicted by the Senate and removed from office. See the *Impeachment of Judges* link at the FEDERAL JUDICIAL CENTER website, <http://www.fjc.gov> (visited May 17, 2016).

For information about the selection of judges, judicial nominating commissions, retention evaluation programs and removal of judges, see the NATIONAL CENTER FOR STATE COURTS website, <http://www.judicialselection.us> (visited May 17, 2016).

²¹⁸ Federalist No. 79 (“In the general course of human nature, a power over a man’s subsistence amounts to a power over his will.”).

The relationship of judges’ compensation to judicial independence was not a new idea initiated by the Framers. The Act of Settlement in 1701 included a provision recognizing the need for judicial compensation to be established to correct abuses prevalent under the reign of the Stuart Kings. *United States v. Will*, 449 U.S. 200, 101 S.Ct. 471, 482, 66 L.Ed.2d 392 (1980).

This English statute [The Act of Settlement (1701)] is the earliest acknowledgment that control over the tenure and compensation of judges is incompatible with a truly independent judiciary, free of influence from other forces within government.²¹⁹

Executive and legislative branch control over the tenure of judges is incompatible with a truly independent judiciary.

Originally, Parliament passed, and the King assented to, the Act of Settlement which provided colonial judges the same protection as their British counterparts. In 1761, however, King George III converted the tenure of colonial judges to serve at his pleasure.

The interference this change brought to the administration of justice in the Colonies soon became one of the major objections voiced against the Crown. Indeed, the Declaration of

Independence, in listing the grievances against the King, complained:

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

Independence won, the colonists did not forget the reasons that caused them to separate from the Mother Country. Thus, when the Framers met in Philadelphia in 1787 to draft our organic law, they made certain that in the judicial articles both the tenure and the compensation of judges would be protected from one of the evils that had brought on the Revolution and separation.²²⁰

The question regarding the method to retain Washington's judges was heavily debated by the framers of Washington's Constitution.²²¹ Rejecting the retention appointment of judges, Washington's constitutional framers chose instead to have the electorate decide whether to retain Washington's sitting judges.²²²

Our Framers made certain that the tenure of judges would be protected from the executive branch to avoid one of the evils that had brought on the Revolution.

Const. Art. IV, §12 does not include a provision concerning the retention of Washington's municipal court judges. Although Washington's appellate courts have not been called upon to decide this issue, arguably the

framers decision to not constitutionally require the retention election of Washington's municipal court judges evidences an intent to leave that decision to the legislature when it prescribes "by law the jurisdiction and powers of" any municipal courts the legislature chooses to establish.

As discussed previously, the legislature requires full-time equivalent (35 or more hours per week) municipal court judges to be elected every four years.²²³ Part-time municipal court judges

²¹⁹ *United States v. Will, id.*

²²⁰ *United States v. Will*, 101 S.Ct. at 482-83.

²²¹ ROBERT F. UTTER AND HUGH D. SPITZER, *THE WASHINGTON STATE CONSTITUTION* (Oxford University Press) (2011), at 108.

²²² Const. Art. IV, §3 (Supreme Court justices); Const. Art. IV, §5 (Superior Court judges); Const. Art. IV, §10 (District Court judges); and Const. Art. IV, §30 (Court of Appeals judges).

may also be elected every four years if approved by the municipality's other two branches by ordinance.²²⁴

Otherwise, despite Washington's constitutional preference for judicial retention elections, the legislature has delegated to a municipality's executive and legislative branches the decision whether to retain its appointed part-time municipal court judge at the expiration of that judge's four year term.²²⁵

The legislature's decision to authorize the retention appointment of only part-time municipal court judges does not per se violate Washington's Constitution because the retention election of municipal court judges is not constitutionally required. The legislative decision to delegate the judicial retention decision to a city's executive and legislative branches, however, must also satisfy the separation of powers and judicial independence doctrines which remain overriding constitutional limitations on any legislative action concerning Washington's Article IV courts.

This article began with a discussion about the doctrine of the separation of powers with its system of checks and balances. Washington's Constitution recognizes this doctrine in Const. Art. IV, §1 wherein the "judicial power of the state shall be vested" in Washington's constitutional courts.

Since America's courts are inherently the weakest branch of government, having no power over the sword or the purse, Alexander Hamilton warned in Federalist No. 78 that there would be no

Washington's appointed part-time municipal court judges statutorily "serve at the pleasure of the appointing city official."

liberty because the judicial branch would be subservient to the other two branches unless the judiciary was independent of them. Judicial independence, both decisional and institutional, has remained the core American judicial branch value for over 225 years.

The legislative decision to delegate to a municipality's executive and legislative branches the decision whether to retain its appointed sitting municipal court judge, or to "go in another direction," results in the judge serving at the pleasure²²⁶ of the other two branches of municipal government. Every four years, those two branches may conduct a "performance review" of the judge's actions, and decide without any legislative standards to replace the judge if those branches choose to do so. This inherently makes the judge and the judicial position subservient to those two branches. Allowing a judge to have his or her

²²³ RCW 3.50.055(1).

²²⁴ RCW 3.50.050.

²²⁵ RCW 3.50.040; .050; .055.

²²⁶ "Washington has a long history of electing judges. The 1996 Walsh Commission on Judicial Selection re-affirmed the preference of Washington citizens to elect justices...All superior and district court judges are elected, regardless of hours worked...Part-time municipal court judges...are the only trial court judges in Washington who are not elected, they are appointed and serve at the pleasure of the appointing city official." *Courts of Limited Jurisdiction Delivery of Services Work Group Report* (Court Funding Task Force 2004), at 18-19 (emphasis added).

performance and employment quadrennially "reviewed" by the other two branches of city government transforms that Article IV municipal court judge into a mere city department head.

Any person may find themselves in front of a part-time municipal court judge for a variety of reasons. Washington's Constitution requires all Article IV courts, including part-time municipal courts and judges, to be independent from the other two branches of city government. The retention appointment of a municipal court judge by a municipality's other two branches of government results in the judge "serv[ing] at the pleasure of the appointing city authority," which violates a litigant's constitutional right to appear before a neutral and detached judge who serves independently from the city's mayor and council.

One might correctly argue that appointed part-time municipal court judges are decent, honest, hard-working judicial officers with a true desire to perform justice on a daily basis. Yet the past forty years of experience concerning municipal executive and legislative branch attacks on the judicial independence of their appointed part-time municipal court judge is beyond troubling. It is unconstitutional.

Many part-time municipal court judges have been removed mid-term, or not reappointed at the end of the judicial term, when a judicial independence dispute arose with that municipality's executive and/or legislative branches. Commentators have written about the problems associated with judicial retention appointments, and the creation of less-than-savory "cash register" courts as a direct result of the pressure on the judge to "collect money or we will find someone who will."

A city's executive and legislative branches lack constitutional authority to transfer judicial power from one judge to another.

Additionally, even if retention appointments of appointed part-time municipal court judges do not violate the doctrines of separation of powers and judicial independence, which they do, the legislature lacks the constitutional authority to delegate to a municipality the authority to transfer judicial power.

The Supreme Court's holding in *In re Cloherty* merits repeating –

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.²²⁷

The legislature's limited Article IV power to establish Washington's municipal courts' jurisdiction and powers most certainly includes the manner by which sitting municipal court judges retain their positions. The legislature has chosen to require all full-time equivalent municipal court judges to be retained or removed by the electorate just as the Constitution provides for all other Article IV Washington judges.

²²⁷ *In re Cloherty*, 2 Wash. 137, 142 (1891) (emphasis added).

Deciding to not retain an appointed part-time municipal court judge transfers power from that judge to another. In Washington, the constitutional method of transferring judicial power is generally retained by the electorate. While Const. Art. IV, §12 does not limit the legislature to retention elections for municipal court judges, the decision at the end of the judicial term whether to retain a sitting appointed part-time municipal court judge or to appoint a replacement judge is not one which constitutionally may be delegated by the legislature to a municipality's executive and legislative branches.

The inevitable consequences of agreeing that courts must maintain their constitutional role as a separate, equal, and independent branch of government is that judges must be accountable to the citizens they serve and not just to the municipal officials who appoint them.²²⁸

Exacerbating the judicial independence problem of appointed part-time municipal court judges serving at the "whim or caprice of the appointing authority" is GR 29(k)'s authorization of employment contracts. GR 29(k) reads –

(k) Employment Contracts. A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court rules.

At first blush, GR 29(k)'s limitations on and requirements of a judicial employment contract seem logical and constitutional. The problems with judicial employment contracts, however, are several-fold.

GR 29(k)'s authorization of judicial employment contracts unfortunately has been used to justify treating appointed judges as "at will" contract employees.

First, use of the word "employment" transforms the relationship between co-equal branches of government into an employer/employee relationship. As with most employment situations, the employer has the first and last word concerning terms of employment, performance evaluations, discipline, and ultimately termination. An employee keeps the job only upon on-going approval by the employer.

Second, authorizing a "contract" inherently puts the judicial officer in a subservient role. If the appointing official chooses to completely violate the mandatory GR 29(k) provisions concerning judicial independence of the appointed judge, what is the judge who desires to obtain or retain his or her position supposed to do? Refuse to sign the employment contract proffered by the city

²²⁸ Courts of Limited Jurisdiction Delivery of Services Work Group Report (Court Funding Task Force 2004), at 12.

and not be hired or reappointed? Sign and agree to the provisions knowing they are unconstitutional, and then litigate the unconstitutional contract terms after agreeing to them? In reality, the judge either signs whatever the appointing official puts in the employment contract, or the judicially independent judge is not hired or retained and gets to look for another job.

Third, and perhaps most importantly from a constitutional judicial independence perspective, is the lack of power in the judge to require the city's mayor and council to sign similar employment contracts which satisfy the judge. A municipal court judge is the head of the third co-equal branch of city government. The city's executive and legislative branch officials in order to obtain or retain their positions are not required to sign any employment contracts, much less ones with take-it-or-leave-it provisions required by their municipal court judge.

GR 29(k)'s well-meaning attempt to clarify for city officials the constitutional requirements of the relationship between an appointed municipal court judge and the other two city branches has resulted in just the opposite.²²⁹

For example,²³⁰ a former Union Gap judge had to file suit to stop the city's mayor from replacing a court clerk with another city employee who had more seniority. The city attorney's written response to the judge's potential lawsuit was to the contractual point. The judge had an employment contract. The contract was limited to providing judicial services. The judge did not represent the city, and just like any other department head, the judge could not contractually maintain an action on behalf of the city or court.

The city addressed its Union Gap Judge as "Mr." several times in warning the Judge that he was merely a contract attorney who would face consequences unless he allowed the mayor to replace a court clerk.

Because Mr. [sic] Kendrick has no ability to bring or maintain an action, please be advised that Mr. [sic] Kendrick, if he decides to continue on such a course, does so at his own peril...²³¹

Refusing to comply, the Judge was not retained.

The Union Gap city attorney's perspective of the independence of Judge Kendrick was quite telling. The beginning of the city attorney's letter to Judge Kendrick's counsel referenced "Judge" Kendrick's lack of authority to interfere with the mayor's decision to replace the court clerk. The city attorney thereafter four times warned "Mr." Kendrick of the perils of filing a lawsuit. The attorney's deliberate decision to warn Judge Kendrick by referring to him several times as Mr. Kendrick exhibited the attorney's, and the city's, obvious intent to remind Judge Kendrick that the judge was just a part-time department head whose job was on the line.

²²⁹ Query the impact on judicial independence for Washingtonians if Washington's Constitution authorized the legislature to enter into a judicial services contracts with the Supreme Court or any other Article IV court as part of the process to appoint or retain an Article IV judge?

²³⁰ For additional examples, see the discussion under the heading "*Assault On The Judicial Independence Of Washington's Article IV Municipal Courts And Judges By Their Municipalities,*" *supra*.

²³¹ See footnote 124, *supra*.

The city attorney's warning proved accurate. Despite winning the lawsuit and thereby protecting the judicial independence of the Union Gap Municipal Court, Judge Kendrick, serving at the pleasure of the city's mayor and council and acting "at his own peril" by filing the successful lawsuit, was not retained.²³²

GR 29(k) should be repealed. As with the salary and benefits of the co-equal municipal

The legislature has many constitutional options for the retention of appointed judges.

Delegating the decision to a city's mayor and council is just not one of them.

executive and legislative branches, a municipal court judge's compensation package should be set forth by law and not by contract. Since a municipal court judge is as constitutionally independent as any district court judge, perhaps the best option at least for municipal court judicial salaries²³³ is the use of Washington citizen's commission on salaries for elected officials.²³⁴

If municipalities are constitutionally prohibited from making retention appointments of part-time municipal court judges due to the doctrines of separation of powers and judicial independence, does that mean all judges in Washington must be elected?

²³² The Union Gap city' attorney's letter to Judge Kendrick's counsel, dated November 3, 2009, was attached as Exhibit D to Sworn Statement of Gary E. Lofland, which was filed on November 5, 2009. *Judge Kip Kendrick v. City of Union Gap and Mr. James Lemon, its mayor*, Yakima Superior Court No. 09-2-04137-6. The first two paragraphs of the Union Gap city attorney's six page letter read as follows –

Thank you for your letter dated November 2, 2009 concerning the City of Union Gap's budgetary decision and that decisions [sic] ancillary effect on its Municipal Court. Upon reviewing your letter I am, quite frankly, befuddled by Judge Kendrick's general premise wherein he maintains that the City's budgetary decision and the resultant application of a provision within a bargained for collective bargaining agreement invades the realm of the Court's exercise of its judicial discretion or usurps the Court's inherent authority. I am also confused as to what authority Judge Kendrick believes he has to bring a claim on behalf of the City's Municipal Court under the circumstances.

Judge Kendrick is a contracted municipal court judge. He is not a City employee. He is contracted to provide municipal court judge services and he does not represent the City in any capacity beyond that limited capacity. He cannot maintain an action on behalf of the City or on behalf of the City's Municipal Court. He is not provided with such authority under the terms of his contract with the City nor does he have such authority under the statutory provisions of RCW 3.50 pertaining the municipal courts. Only the Mayor can bring and maintain actions with the majority approval of the City Council on behalf of the City or any of its departments. RCW 35A.12.100. Because Mr. [sic] Kendrick has no ability to bring or maintain an action, please be advised that Mr. [sic] Kendrick, if he decides to continue on such a course, does so at his own peril. Moreover, where an action is brought without Council approval, the costs associated will not and cannot be borne by the City. Additionally, if the City is required to respond in opposition to any such action Mr. [sic] Kendrick might bring, the City will seek to recover its attorney's fees and costs directly from Mr. Kendrick that it may incur.

Emphasis added.

²³³ Municipal court judicial salaries "shall be fixed by ordinance." RCW 3.50.080.

²³⁴ RCW 3.58.010 (full-time district court judges); RCW 3.58.020 (part-time district court judges); RCW 43.03.305 (Washington citizens' commission on salaries for elected officials).

While Washington's strong constitutional preference is the election of Article IV judges so that the public has the final voice in judicial retention, the legislature has many options. Here are a just few –

- Election. All Article IV judges could be elected, including part-time municipal court judges. This would elevate all part-time municipal courts and judges to the status of a co-equal independence branch of city government. Leaving to the electorate the ultimate decision whether to retain a part-time municipal court judge would avoid the many judicial independence problems discussed herein.
- THE WALSH REPORT Model (Citizen Nominating Commission, Open Election, Retention Election). THE WALSH REPORT – THE PEOPLE SHALL JUDGE (1996),²³⁵ convened by Chief Justice Barbara Durham, detailed several recommendations for obtaining and retaining qualified judges. The initial appointment of a judge would be made by a citizen nominating commission.²³⁶ After the appointment, the judge would have to seek election one time where any qualified lawyer could challenge the appointed judge. After the one open election, the elected judge would thereafter face a retention election every four years and voters would decide whether to retain the judge. No one would be permitted to run against the judge during these subsequent retention elections. If the judge does not receive 50% plus 1 retention votes, the judge is removed from office and the citizen nominating commission would appoint a new judge. The election process would be repeated.

In 2008, the Washington State Bar News dedicated its April issue to the question: *"Our Judicial Election System: Long-Playing Classic or Stuck in a Groove."* Advocating for a change in how Washington selects and retains its judges, several judges and lawyers co-authored an article advocating for implementation of THE WALSH REPORT'S recommendations. Honorable John E. Bridges, Honorable Steven R. Buzzard, Douglas C. Lawrence, John R. Ruhl, Kenneth L. Schubert Jr., George F. Velikanje, and Honorable Mary I. Yu, *How We Choose Judges: It's Time for a Change*, Washington State Bar News vol. 62, no. 4, Apr. 2008, at 18-21.

Perhaps it is time to implement THE WALSH REPORT'S recommendations for appointed part-time municipal court judges.

²³⁵ Fundamental to THE WALSH REPORT'S recommendations was the 17th century British philosopher John Locke's revolutionary idea that the people should be in control of the mechanisms of government. "That principle is the keystone of our report and the effort to restore lost citizen control is at the heart of our recommendations." THE WALSH REPORT, at 2.

THE WALSH REPORT'S *Summary of Recommendations* can be found at the Washington Court's website, <http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/walshReport#16> (visited May 19, 2016).

²³⁶ A Nominating Commission's membership would be comprised of a different number of members depending upon the court level. Each Nominating Commission would have more lay members than lawyer members to assure public input in the judicial selection. THE WALSH REPORT, at 26-31.

- Selected and Retained From Elected District Court Judges. Initially, Washington's municipal court judges from first and third class cities were appointed from regularly elected county justices of the peace (now district court judges). Municipal court judges in cities with populations over 400,000 and police court judges in second class cities were directly elected.²³⁷ Selecting and retaining part-time municipal court judges from the county's elected district court bench ensures that all county voters have the final say on whether to retain the elected district court judge who serves as an appointed municipal court judge.²³⁸
- Retention Committee. Washington law authorizes an appointment/ retention committee concerning a county public defender. The Board of County Commissioners shall appoint a selection committee for the purpose of selecting a public defender. The selection committee consists of one member of the Board of County Commissioners, one member from the county's superior court, and one practicing attorney.²³⁹ The selected public defender's term shall coincide with the elected term of the county prosecutor.²⁴⁰

Since a municipal court judge's power is a power transferred from elected county superior and district court judges, an appointed municipal court judge's retention could be decided by an appointment/retention committee. Membership in the committee could include the superior court presiding judge, the district court presiding judge, the prosecuting attorney, the county public defender, and the city's mayor.²⁴¹ The committee's membership could certainly be expanded or contracted as determined by the legislature.

An appointed part-time municipal court judge's independence from the city's other two branches would be guaranteed since the judge would be serving at the pleasure of the committee, and not the city's mayor and council.

²³⁷ *State ex rel. Farmer v. Edmonds Municipal Court*, 27 Wn.App. 762, 763 (1980).

²³⁸ See also former RCW 3.46.060 which for municipal departments of district court authorized a city's mayor to appoint the city's part-time municipal court judge from among the county's district court judges. *City of Spokane v. Rothwell*, 166 Wn.2d 872, ¶¶10-14 (2009).

²³⁹ RCW 36.26.030.

²⁴⁰ RCW 36.26.040.

²⁴¹ These suggested members would have sufficient knowledge and skill given their positions to ensure the retention of qualified municipal court judges. Lacking, however, is any direct public input in the retention decision.

Cities might complain that these suggested members lack any local input other than the mayor. Assuming local input does not include the need for the municipality's executive and legislative branches to make the final decision, perhaps additional members of the city could be included in the retention committee. Of course, if a city wants the ultimate local input over the decision whether to retain its judge, the judge could be elected by city voters.

Any of the above methods of retaining an appointed part-time municipal court judge would avoid the current unconstitutional process whereby a city's executive and legislative branches make the retention decision. Undoubtedly, many other constitutional options exist as well.

Judges are ethically required to remain obedient only to the rule of law.

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society.

Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.²⁴²

The current unconstitutional retention process whereby a city's mayor and/or council make the judicial retention decision results in the judge's ultimate obedience being to the mayor and council, not to the rule of law. All of Washington's Article IV judicial officers are bound by the Code of Judicial Conduct. So long as Washington's appointed part-time municipal court judges owe their retention to the other two branches of city government, the judges must either remain obedient to those branches or look for another job at the end of the term. Examples of the latter have been documented earlier. Examples of the former are much more difficult to detect since individual litigants who appear before a mayor/council "obedient" judge lack a cohesive voice and ability to successfully raise a concern.

An Appointed Article IV Municipal Court Judge May Not Be Replaced At The End Of The Term By The Appointing Authority Without A Formal Charge, A Hearing, And Findings That The Judge Failed To Fulfill The Duties Of The Office

Even if a city's executive and legislative branches have the constitutional power to decide whether to retain their city's sitting Article IV municipal court judge at the end of the judge's term, which they do not, the sitting judge must be retained unless the appointing

²⁴² Preamble [1] to the Washington State Code of Judicial Conduct (paragraph added for ease of reading).

authority has a constitutionally valid reason to remove the judge, i.e. the judge's failure to fulfill the requirements of the job.

Every appointed and sitting judicial officer is entitled to a formal charge, hearing and findings before the appointed judicial officer may be removed and another judicial officer is appointed as a replacement.

This constitutional requirement placed upon a judicial officer's appointing authority was set out in *Municipal Court of Seattle ex rel. Tuberg v. Beighle*²⁴³ A commissioner appointed²⁴⁴ by the Seattle Municipal Court judges was summarily dismissed, and thereafter brought suit challenging the appointing judges' authority to remove the commissioner without cause. Affirming the court of appeals requirement that the magistrate was entitled to a formal charge and hearing, the Supreme Court wrote –

The need for reasoned dismissal is underscored when such dismissal involves a judicial officer. By requiring the municipal court to promulgate rules defining ministerial responsibilities which if not met would provide the basis for removal, magistrates are less "the subject(s) of the whim or caprice of the appointing power." *State ex rel. Evans v. Superior Court*, 92 Wash. 375, 380, 159 P. 84 (1916).²⁴⁵

Even if a city's mayor and council have the constitutional authority to decide whether to retain the city's appointed Article IV judge, the decision may not be at the "whim or caprice of the appointing power."

Rejecting the dissent's assertion that the Seattle Municipal Court judges had the constitutional power to summarily dismiss their appointed commissioner, Justice Utter writing for the majority held that dismissal of the commissioner could not be arbitrary and must be based upon the commissioner's failure to fulfill the requirements of the job.

Consequently, removal of magistrates may not be summary and unreasoned. It must be based on failure to fulfill the duties that define the magistrate's role...The only valid reason for dismissing a magistrate is for failure to fulfill the requirements of the job, and the municipal court is fully empowered to promulgate a rule authorizing dismissal on such a basis.²⁴⁶

Justice Utter also made clear that the Constitution's prohibition of the Seattle Municipal Court judges' summary dismissal of its appointed commissioner without cause similarly applied to any appointing authority's ability to dismiss a judicial officer, including mayors and city councils.

²⁴³ *Municipal Court of Seattle ex rel. Tuberg v. Beighle*, 96 Wn.2d 753 (1982).

²⁴⁴ A municipal court judge may appoint one or more commissioners. RCW 3.50.075(2) ("Each commissioner holds office at the pleasure of the appointing judge."); RCW 35.20.155 (in cities with a population over 400,000, a commissioner "shall hold office at the pleasure of the appointing judges...").

²⁴⁵ *Municipal Court of Seattle ex rel. Tuberg v. Beighle*, 96 Wn.2d at 760-61 (emphasis added).

²⁴⁶ *Id.*, at 760.

The mayor is given power of summary removal of judges pro tempore by virtue of RCW 35.20.200. We do not reach the constitutionality of such provision. However, since a prerequisite to serving as a magistrate is to be appointed a judge pro tempore, we must conclude the mayor's power of removal of judges pro tempore who are also magistrates is similarly limited by our holding in this case.²⁴⁷

Washington's Constitution prohibits removal of an Article IV appointed judicial officer by the appointing authority absent "a charge, a hearing, and a finding."²⁴⁸ Const. Art. V, §3 governs the reasons for removal.

All officers not liable to impeachment²⁴⁹ shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

With language somewhat similar to Const. Art. V, §3, the legislature has provided the standard by which an Article IV municipal court judge may be removed from office. RCW 3.50.095 reads –

A city's executive and legislative branch decision to deny its citizens the ability to decide by election whether to retain their Article IV part-time municipal court judge at the end of a term results in the judge serving for life, unless there is a hearing and findings that the judge committed misconduct or malfeasance in office, or was incapable of performing the duties of the office.

A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office.

Harmonizing Const. Art. V, §3's and RCW 3.50.095's "for cause" Article IV municipal court judge removal provisions with RCW 3.50.040 (municipal court judges serve four year terms), RCW 3.50.050 (city may require by ordinance that part-time municipal court judge be elected), and the constitutional holding in *Municipal Court of Seattle ex rel. Tuberg v. Beighle* is not complicated.

If a city's executive and legislative branches choose to deny allowing the city's electorate to make the final decision on retention of their Article IV part-time municipal court judge at the end of the judge's term,²⁵⁰ the judicial independence of the municipal court is protected by the appointed judge

serving unless the city's appointing authority alleges that the appointed judge violated Const. Art. V, §3 and/or RCW 3.50.095, thereafter conducts a hearing proving the violations, and satisfies likely judicial review.

²⁴⁷ *Id.*, at 760 n.3.

²⁴⁸ *Id.*, at 756.

²⁴⁹ Only judges of courts of record may be impeached. Const. Art. IV, §2. The legislature is not empowered to make a municipal court a court of record. *Seattle v. Filson*, 98 Wn.2d 66, 68-69 (1982), overruled on other grounds by *In re Eng*, 113 Wn.2d 178, 188-89 (1989). District courts are also not courts of record. Const. Art. IV, §11.

²⁵⁰ RCW 3.50.050 (city may require by ordinance that part-time municipal court judge be elected).

The holding of *Beighle* is clear. An Article IV court commissioner, who statutorily serves “at the pleasure of” the appointing judge, constitutionally retains his or her position for life unless the commissioner fails to perform the duties of the office, which must be proven at a hearing and is thereafter subject to judicial review.

No Washington constitutional provision exists in support of a proposition that a city’s mayor and council somehow have more authority than the Seattle Municipal Court to summarily dismiss an appointed Article IV judicial officer, either during or at the end of the judicial officer’s term absent a charge, hearing and findings.

This constitutional process protects the municipal court’s judicial independence from the “whim or caprice” of the city’s executive and legislative branches by ensuring that neither the judge’s assertion of the court’s institutional independence nor the city’s disagreement with the judge’s rulings could be used as a constitutional basis to remove the appointed judge either during or at the end of the judge’s term.

Unfortunately, this constitutional process has not been followed resulting in some appointed Article IV part-time municipal court judges being removed at the end of their terms by their appointing authority without a charge, hearing and findings in violation of *Municipal Court of Seattle ex rel. Tuberg v. Beighle*.

A judge’s exercise of the court’s judicial independence is never “misconduct or malfeasance” in office. Yet, some of Washington’s appointed part-time municipal court judges in the past have not been retained, and no doubt some in the future will not be retained, in response to a city’s mayor and council concerns about the judge’s constitutional actions. Past examples include – Bremerton (dispute over court personnel); Elma (dispute over court personnel); Bonnie Lake (dispute over imposition of legal financial obligations and appointed counsel costs), Union Gap (dispute over court personnel); and Bainbridge Island (dispute over court facility and location).²⁵¹

²⁵¹ All municipal court employees “shall be appointed by and serve at the pleasure of the court.” RCW 3.50.080. This statute provided little solace to the former judges in Bremerton, Elma, and Union Gap who were not retained due their assertion of the court’s constitutional, statutory and court rule rights to select and supervise the court’s employees.

Query the requirements of RCW 3.50.080, Code of Judicial Conduct Rule 2.12 (judge responsible for conduct of staff), and GR 29(f) (presiding judge responsible for court staff), and the constitutionality of the recent trend of some cities to retain their judge but “contract out” the court’s location and its staff to a “hosting jurisdiction” pursuant to RCW 3.50.815 and 39.34.180 (cities and towns are responsible for the expenses of prosecution, adjudication, sentencing, and incarceration of criminal ordinances and “must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services.”).

The Constitution Prohibits Removal Of A Sitting Article IV Municipal Court Judge By A City's Executive Or Legislative Branches

IN 1916, Washington's Supreme Court was confronted with the question whether the mayor of Tacoma had the constitutional power to remove a sitting Article IV police (municipal) court judge which had been previously appointed by the mayor. The police judge was one of three duly elected justices of the peace for Pierce County. An 1899 law required a first class city's mayor to appoint its police judge from one of the elected justices of the peace. The police judge had exclusive jurisdiction over all offenses defined by the city's ordinances.²⁶²

The Pierce County Superior Court held that since the police judge had not been appointed to any fixed or definite term, the mayor had power to remove the judge at will without a hearing and without cause.²⁶³

Rejecting the mayor's position, the Supreme Court affirmed a judge's independence from the appointing authority.

It would violate the very principle upon which the judicial function is made to rest – that of absolute freedom from fear or favor of the appointing power. It would not be so if a judicial officer were to be made the subject of the whim or caprice of the appointing power.

The Constitution provides that judicial officers may be impeached. If the rule, that the power to remove is implied in the power to appoint, is as broad, in its application, as counsel would have it, a superior judge, when once appointed by the Governor, would hold his office at the will of the Governor, and might be removed summarily, for surely there is the power to appoint. There the Constitution says that such removal shall be only by impeachment, and here that it shall be only "for misconduct or malfeasance in office in such manner as may be provide by law," clearly implying, in either case, a charge, a hearing, and a finding.²⁶⁴

The mayor also argued that he had more than an implied power of removal because a mayor's power rests in public policy. A mayor is the executive officer of a city charged with the duty of enforcing city ordinances, with general supervision over city affairs, and with the power to take all proper measures for the preservation of public order.

²⁶² *State ex rel. Evans v. Superior Court*, 92 Wash. 375, 375-76 (1916).

²⁶³ *Id.*, at 376.

²⁶⁴ *Id.*, at 379-80 (emphasis added).

Holding that the Article IV judicial position was not a creature of the mayor,²⁵⁵ the court said –

Having held that relator is not the official creature of the respondent mayor, but that he holds his office in virtue of the Constitution and the general laws, the argument may be passed as without merit.

The Supreme Court's message 100 years ago to a municipality's executive and legislative branches is clear. The constitutional and legislative act of appointing an Article IV judicial officer does not include an inherent power by the appointing authority to remove the appointed judicial officer.

One hundred years ago, the Supreme Court held that an Article IV municipal court judge is not subject to removal by the arbitrary will of a city's executive branch.

That an officer holding for a term is not subject to removal by the arbitrary will of the executive, although an appointee, is now well settled by authority.²⁵⁶

The constitutional notion that an appointed Article IV judicial officer does not serve at the pleasure of the appointing authority also applies when judges are the appointing authority. In *Municipal Court of Seattle ex rel. Tuberg v. Beighle*,²⁵⁷ a magistrate appointed by the Seattle Municipal Court judges was summarily dismissed. Affirming the court of appeals requirement that the magistrate was entitled to a formal charge and hearing in the absence of an appropriate municipal court rule or statute, the Supreme Court wrote –

The need for reasoned dismissal is underscored when such dismissal involves a judicial officer. By requiring the municipal court to promulgate rules defining ministerial responsibilities which if not met would provide the basis for removal, magistrates are less "the subject(s) of the whim or caprice of the appointing power." *State ex rel. Evans v. Superior Court*, 92 Wash. 375, 380, 159 P. 84 (1916).²⁵⁸

The power of removal of an Article IV court of limited jurisdiction judge²⁵⁹ is found in the Constitution. Const. Art. V, §§2-3 read –

SECTION 2 OFFICERS LIABLE TO. The governor and other state and judicial officers, except judges and justices of courts not of record,²⁶⁰ shall be liable to impeachment for

²⁵⁵ I.e. that the police judge was not an executive department head serving under the authority of and at the pleasure of the mayor.

²⁵⁶ *State ex rel. Evans v. Superior Court*, 92 Wash. at 377.

²⁵⁷ *Municipal Court of Seattle ex rel. Tuberg v. Beighle*, 96 Wn.2d 753 (1982).

²⁵⁸ *Id.*, at 760-61 (emphasis added).

²⁵⁹ Courts of record judges may be impeached and constitutionally removed by the legislature. Const. Art. IV, §9. The Supreme Court and superior courts are courts of record, Const. Art. IV, §11, as is the court of appeals, RCW 2.06.010. Since 1989, any Article IV judge may also be removed from office pursuant to Const. Art. IV, §31 (Commission on Judicial Conduct).

high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SECTION 3 REMOVAL FROM OFFICE. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.²⁶¹

On November 7, 1989, by the approval of Const. Art. IV, §31 creating the Commission on Judicial Conduct, the people of the state of Washington provided the Const. Art. V, §3 "manner as may be provided by law" to remove any Article IV judge, including municipal court judges.²⁶²

A sitting municipal court judge may only be constitutionally removed by the Supreme Court upon recommendation by the Commission on Judicial Conduct, and perhaps by a recall petition approved by the superior court and voted for by the city's electorate.

A city's mayor and/or council lack the constitutional authority to remove a sitting Article IV municipal court judge.

The CJC is an independent agency of the judicial branch.²⁶³ Whenever the CJC receives a complaint against a judge, or otherwise believes that a judicial officer should be "admonished, reprimanded, censured, suspended, removed or retired," the CJC shall first conduct an investigation of the allegations which are initially confidential. Once the CJC begins an initial proceeding, the judge shall be notified. If the CJC concludes based on the initial proceeding that probable cause exists to believe the judge has violated the rules of judicial conduct or that the judge suffers from a permanent disability which seriously interferes with the performance of judicial duties, the CJC shall conduct a public hearing. Upon completion of the hearing, the CJC shall in open session either dismiss the case, admonish, reprimand or censure the judge, or censure the judge and recommend suspension, removal or retirement of the judge to the Supreme Court.²⁶⁴

Upon the CJC's recommendation –

[T]he supreme court may suspend, remove, or retire a judge or justice... The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a

²⁶⁰ The legislature is not empowered to make a municipal court a court of record. *Seattle v. Filson*, 98 Wn.2d 66, 68-69 (1982), *overruled on other grounds by In re Eng*, 113 Wn.2d 178, 188-89 (1989). District courts are also not courts of record. Const. Art. IV, §11.

²⁶¹ Emphasis added.

²⁶² Hereafter "CJC."

²⁶³ Const. Art. IV, §31(1).

²⁶⁴ See Const. Art. IV, §31(2)-(4).

hearing, after notice to review commission proceedings and findings against the judge or justice.²⁶⁵

The Constitution created Washington's judicial branch in Article IV. Municipal courts were created by the Constitution and are Article IV courts. The Constitution also provides for the removal of municipal court judges "in such manner as may be authorized by law." Const. Art. V, §3. The constitutional manner authorized by law to remove a sitting municipal court judge is through a Commission on Judicial Conduct investigation. Ultimately, only the Supreme Court is constitutionally empowered to remove a sitting municipal court judge. Const. Art. IV, §31(5), (8).

One hundred years ago this year, the Supreme Court held that a judicial officer does not serve at the "whim or caprice of the appointing power."²⁶⁶ Since 1989, only the Supreme Court has the constitutional authority to remove a municipal court judge from office during his or her term, and then only after an investigation and recommendation by the Commission on Judicial Conduct. Const. Art. IV, §31.²⁶⁷

A city's mayor and/or council do not have constitutional authority to remove a sitting Article IV municipal court judge.

²⁶⁵ Const. Art. IV, §31(5).

²⁶⁶ *State ex rel. Evans v. Superior Court of Pierce County*, 92 Wash. at 379-80.

²⁶⁷ Query whether limited jurisdiction judges after the public's 1989 approval of Const. Art. IV, §31 are subject to recall pursuant to Const. Art. I, §33 and RCW 29A.56.110 - .270? See also AGO 1960 No. 117 (May 3, 1960) ("There can be no doubt, of course, that [Seattle Municipal Court Traffic Judge William H.] Simmons, an elected public officer, is subject to recall proceedings upon proper charges.").

Finally, many appointed part-time municipal court judge GR 29(k) "employment contracts" and city ordinances authorize removal of the judge by the city mayor and/or council pursuant to RCW 3.50.095. *Part-time Municipal Courts in Washington* (AOC 2011), at 10.

First, RCW 3.50.095 authorizes removal of a municipal court judge, but does not specify who or what entity is to make the removal decision. The statute can easily be harmonized with Const. Art. IV, §31's Commission on Judicial Conduct provisions by authorizing removal of a municipal court judge only through the CJC process.

Second, if RCW 3.50.095 does authorize a city's executive and/or legislative branches to remove an Article IV municipal court judge, the statute is an unconstitutional violation of Washington's separation of powers and judicial independence doctrines, and the constitutional requirement for a charge, a hearing, and a finding that the judge failed to fulfil the duties of office as previously discussed.

Proposal Number One – A DMCJA Judicial Independence Standing Committee

The judicial independence of Washington's municipal courts and their judges has been subject to on-going pressure from mayors and city councils for almost 50 years. This is somewhat understandable given the legitimate budgetary concerns of those municipal officials. But the impact on municipal courts is simply unacceptable. Almost 20 years ago, Judge Robert McSeveney wrote on behalf of the DMCJA Judicial Independence Committee on Municipal Courts –

However, the DMCJA is increasingly aware of the plight of some past and present municipal court judges throughout the state whose judicial independence and administration of their courts has been challenged or interfered with by their respective local legislative officials who are either ignorant of state laws and legal principles governing judicial independence and court operations, or who intentionally disregard legislative mandate for the sake of expedience and/or compromise.²⁶⁸

Municipal court judicial independence during the last 20 years has certainly not improved, and may well have gotten worse in light of Auburn's decision to terminate its court and disenfranchise its voters by removing their Article IV elected municipal court judge. If Auburn's mayor and city council have the constitutional power to terminate their court, every municipal court in the state of Washington is subject to termination at the "whim or caprice" of city government.

Created by the legislature in 1961,²⁶⁹ the District and Municipal Court Judges' Association²⁷⁰ is a mandatory association whose membership includes "all duly elected or appointed and qualified judges of courts of limited jurisdiction, including but not limited to district judges and municipal court judges."²⁷¹

The duties of the DMCJA are set forth in RCW 3.70.030 –

The Washington state district and municipal court judges' association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

²⁶⁸ Committee Report/Recommendations (DMCJA Judicial Independence Committee on Municipal Courts Apr. 30, 1997), at 1.

²⁶⁹ Laws of 1961, ch. 299, §§123-126.

²⁷⁰ Hereafter "DMCJA."

²⁷¹ RCW 3.70.010.

(2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.²⁷²

The DMCJA has for decades surveyed and studied the judicial independence problems experienced by municipal courts.

The DMCJA's Board of Governors has been repeatedly briefed about numerous judicial independence problems experienced by Washington's municipal courts which were caused by their municipal executive and legislative branches.²⁷³ During the Board's seemingly endless "survey and study" of the operation and condition of business of municipal courts,²⁷⁴ municipal court independence has continued to deteriorate. Chelan and Auburn removed their judges, terminated and sold their courts. Judges in Bremerton, Elma, Bonnie Lake, Union Gap, Bainbridge Island, and probably elsewhere were not retained in response to their decisions to assert concerns about their city counterparts' attacks on the courts' judicial independence.

Unfortunately, judges who are "victims" of the above incidents are often not reappointed and thus no longer involved with the DMCJA, and much valuable input is therefore not provided to this association. Many current municipal court judges face reappointment and in an effort to retain their position may be reluctant to bite the hand that feeds them.

Judicial freedom from improper influence is essential. All part-time municipal court judges²⁷⁵ could find themselves in Judge Cotton's position, along with all the associated stress, public attention and embarrassment. It is therefore incumbent on all DMCJA members and particularly part-time municipal court judges to collectively support this organization's efforts to create an integrated and consistent municipal court system with judicial independence.²⁷⁶

The mine field of municipal executive and legislative branch interference with its municipal court can be daunting. Municipal courts and their judges need consistent and on-going support from

²⁷² Emphasis added.

²⁷³ See e.g. the 1974 Boyd study, the 1997 Wilson Report, the 1997 DMCJA Judicial Independence Committee report, Justice Talmadge's 1999 concurring opinion in *In re Hammermaster*, the 1999 King County Bar Association report on the judicial independence of King County limited jurisdiction courts, Judge McSeveney's October 2002 Washington State Bar News article (see footnote 121), the 2011 AOC report on part-time municipal court, and the 2012 Allen Report.

²⁷⁴ RCW 3.70.030(1).

²⁷⁵ And all full-time elected municipal court judges post-Auburn.

²⁷⁶ Committee Report/Recommendations (DMCJA Judicial Independence Committee on Municipal Courts Apr. 30, 1997), at 2.

the DMCJA, as well as from the other associations, committees and commissions in Washington's judicial branch.

Municipal courts are now being terminated and sold. Municipal court judges continue to be removed at the "whim or caprice" of mayors and councils.

Because of judicial ethical constraints and current Supreme Court rules such as ARLJ 7,²⁷⁷ appointed municipal court judges often find themselves tip-toeing through a mine field of intervention by city governments. With no "army" to fight the invasion, a judge's only recourse is to educate the respective city attorneys and administrations on the law and hope they will comply, ask the DMCJA for assistance (which is severely limited), or hire legal counsel and be embroiled in a dispute detracting from other legal duties,²⁷⁸ and in the meantime run the court and hear cases, usually as a sole judge.²⁷⁹

All municipal court judges, appointed and elected, "sooner or later will be confronted with issues of separation of power and judicial independence, if they have not already."²⁸⁰ True to Judge McSeveney's prediction, in the 20 years since he made his prediction municipal courts have been terminated and sold to other entities, and appointed part-time judges have not been retained in response to their assertion of their court's independence.

The DMCJA should act to protect the judicial independence of all of its member courts, including municipal courts.

The DMCJA has adopted Bylaws as authorized by RCW 3.70.020.²⁸¹ The Bylaws create twelve standing committees.²⁸²

The DMCJA should amend its Bylaws and create a thirteenth standing committee – Judicial Independence.²⁸³ The committee would be tasked to do the following –

²⁷⁷ See e.g. GR 29(k), which sets forth minimum "employment" contract requirements for a part-time municipal court judge. The rule was adopted in 2002 as an attempt to provide clarity and assistance to part-time municipal court judges and their judicial independence.

Unfortunately, the rule's authorization of "employment" contracts perpetuates the belief that the judge is only a department head subject to the whims of the other two municipal branches, upon pain of non-renewal of the contract for inappropriate "employee" behavior by the judge, such as not doing what the city wants done. Of course, when there is an employee, there must be an employer aka "the boss."

²⁷⁸ The judges in Elma, Union Gap and Bainbridge Island all had to hire lawyers to successfully enforce their court's judicial independence in response to unconstitutional actions by their cities. These judges all then lost their jobs.

²⁷⁹ Committee Report/Recommendations (DMCJA Judicial Independence Committee on Municipal Courts Apr. 30, 1997), at 3.

²⁸⁰ *Id.*, at 5.

²⁸¹ The DMCJA Bylaws can be found at its website, <http://www.courts.wa.gov/?fa=home.sub&org=dmcja> (visited May 28, 2016).

²⁸² The twelve DMCJA standing committees are Nominating, Bylaws, Conference, Legislative, Court Rules, Education, Long Range Planning, Diversity, DOL Liaison, Technology, Therapeutic Courts, and Judicial Assistance Services Program.

- Collect and publish on the DMCJA website all previous court of limited jurisdiction judicial independence studies, articles, and actions taken in response by the Board;
- Identify and publish on the DMCJA website a list of all municipal courts which have been terminated by their city, and the entity now handling the work of the terminated court;
- Identify and publish on the DMCJA website a list of all appointed municipal court judges who wanted to continue as judge but were not retained by their city, and the reason(s) why the judge was not retained;
- Seek a legal opinion whether the DMCJA has standing to file suit for declaratory, injunctive, writ or other relief against a city or town to protect a municipal court's independence from unconstitutional actions by the city's mayor and/or council;²⁸⁴
- Seek to amend RCW 3.70.040 to obtain the statutory authority for DMCJA to sue a city to protect its municipal court's independence if it is determined that the DMCJA currently lacks standing to do so;
- Develop a policy making clear the DMCJA opposes any attempt by a city to terminate its municipal court;
- Develop a policy making clear the DMCJA opposes any attempt by a city to "contract out" its municipal court's staff;
- Develop a policy making clear the DMCJA opposes the failure of a city to retain its appointed part-time judge unless the retention decision is made by the city's electorate;
- Develop a policy making clear the DMCJA shall take every and all actions it possesses to assist a municipal court in the protection of that court's independence from a city's mayor and/or council;
- Develop sample pleadings and forms which could be used by a municipal court judge whose court's independence is under attack by the city's mayor and/or council;

²⁸³ The DMCJA Board has been working on the formation of a Judicial Independence Committee. See DMCJA Board of Governors Meeting Minutes for November 13, 2015, at 3-4, and for December 11, 2015, at 5. DMCJA Board of Governors Meeting Minutes are located at the DMCJA's website, under the Board of Governors' link, <http://www.courts.wa.gov/?fa=home.sub&org=dmcja> (visited May 28, 2016).

²⁸⁴ Query whether the doctrine of *parens patriae* grants standing to the DMCJA to protect all persons appearing before a municipal court that is unable to protect its independence from a city's abusive executive and legislative branches since judicial power was transferred to the municipal court from superior and district courts?

The DMCJA should establish a Judicial Independence Committee.

The Committee must be authorized to act despite the self-interest of some courts to maintain the status quo.

- Identify and seek legislation repealing all statutes which unconstitutionally convert Article IV municipal courts to city departments by delegating to a city's executive and legislative branches the legislature's limited constitutional authority to transfer judicial power from superior and district courts to municipal courts;
- Seek legislation authorizing the citizen's commission on salaries for elected officials²⁸⁵ to set minimum salaries for all municipal court judges;
- Seek legislation requiring municipal court judges to have the same benefits package as provided by the city to its executive and legislative branch members;
- Seek the repeal of GR 29(k)'s authorization of judicial employment contracts;
- Form a DMCJA Court Independence Response Team (CIRT)²⁸⁶ to be both proactive, reactive, and immediately available to assist a DMCJA member who is experiencing any judicial independence issues; and
- Prepare and publish on the DMCJA website an annual Judicial Independence report, and disseminate the report to DMCJA members through the DMCJA's e-mail listserv.

Proposal Number Two – Judicial Independence Annual Report To The Supreme Court, Governor And Legislature

The DMCJA shall annually report to the Supreme Court, the governor and legislature on the condition of Washington's courts of limited jurisdiction. The DMCJA shall also make recommendations to the Supreme Court, governor and legislature as to needed changes. RCW 3.70.030(3) reads –

²⁸⁵ And repeal RCW 3.50.080 which requires municipal court judicial salaries to be set by ordinance. A city should be allowed, however, to set its municipal court judge's salary above the salary commission's decision if the city chooses to do so.

²⁸⁶ The Board of Judicial Administration formed a CIRT in 2002, which was modeled after the Bench-Bar-Press Liaison Committee (or Fire Brigade as it was commonly called). Judge Robert McSeveney, *Municipal Courts, Judicial Independence, and the Board for Judicial Administration*, Washington State Bar News, October 2002, at 24-25.

Although the BJA CIRT experience was less successful than some had hoped, a DMCJA CIRT would provide timely assistance by DMCJA judges who would be motivated to assist municipal court judges experiencing judicial independence problems.

The Washington state district and municipal court judges' association shall:

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

This article has documented extensive separation of powers, judicial independence, and constitutional concerns with the actions of some city mayors and councils towards their city's co-equal and independent Article IV municipal court. The DMCJA's report to the Supreme Court, governor and legislature should annually continue to highlight these concerns until all of Washington's municipal courts are treated like any other Article IV court – a co-equal branch of government, independent both institutionally and decisionally from the executive and legislative branches.

Proposal Number Three – Beyond The DMCJA

The DMCJA should be at the forefront of protecting its own member judges and courts from attacks against municipal courts by city mayors and councils. Washington's entire judicial branch, though, has a constitutional interest in "jealously guarding" the judicial independence of every Article IV court, from Washington's smallest municipal court to the Supreme Court.

The importance of judicial independence from the executive and legislative branches, and the need for the judiciary to maintain effective control over its affairs, cannot be overstated. The reason why is simple. The constitutional division of power into three co-equal branches of government is for the protection of individuals against centralized authority and the abuses of power.²⁸⁷

When a municipal court is established and immediately becomes part of Washington's Article IV judicial branch, its jurisdiction and powers are transferred from superior and district courts pursuant to Const. Art. IV, §12. This transfer of judicial power from superior and district courts is a significant constitutional action. Superior and district court judges have an important interest in making sure this transferred judicial power is properly utilized, and that the independence of municipal courts is properly protected.

The Superior Court Judges' Association²⁸⁸ includes all superior court judges as members. The SCJA, representing Washington's general jurisdiction trial courts, should be encouraged by the DMCJA Board to make the SCJA's voice known concerning its stance on the judicial independence of Washington's Article IV municipal courts.

²⁸⁷ *State v. Rice*, 174 Wn.2d 884, ¶29 (2012).

²⁸⁸ RCW 2.16.010, amended by Laws of 2016, ch. 179 (effective June 9, 2016). Hereafter "SCJA."

The Trial Court Advocacy Board²⁸⁹ was created several years ago by the SCJA and DMCJA Boards to assist direct communication between the SCJA and DMCJA on issues of common interest to both associations. The DMCJA Board should present the issue of the judicial independence of Washington's municipal courts to the TCAB for its consideration and action.

The SCJA, TCAB, BJA, WSBA and Supreme Court all have important actions to take in protecting the judicial independence of Washington's Article IV municipal courts.

The Board for Judicial Administration²⁹⁰ was established "to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice."²⁹¹ The BJA is to provide "effective leadership to the state courts and to develop policy to enhance the administration of the court system" in Washington.²⁹²

BJA's membership is comprised of all levels of Washington's judicial branch.²⁹³ All BJA members "shall pursue the best interests of the judiciary at large."²⁹⁴

No more important topic exists for Washington's Article IV courts than their judicial independence from the executive and legislative branches. All other judicial branch concerns become *de minimis* and irrelevant if a court lacks independence from the other two branches. The DMCJA Board, along with SCJA and the TCAB, should seek priority BJA policy action on the on-going plight of Washington's municipal courts.

Washington's Supreme Court sits at the head of Washington's Article IV judicial branch. The Supreme Court has since statehood emphasized the core judicial branch principle that the judiciary is a co-equal, separate, and independence branch of state government. Many of those pronouncements have been quoted throughout this article.

Chief Justice Madsen's judicial independence concerns stated earlier this year in the State of The Judiciary 2016 address, quoted on page 2 of this article, are worth repeating –

[A]n attack on the independence of the judicial branch causes people to lose the belief that courts can, and will, protect their rights. When people fear they cannot receive a fair hearing from the co-equal branch of government assigned that important role, it undermines confidence in all of government and in democracy itself...

The Washington Supreme Court "has inherent authority to supervise the administration of justice in the lower courts."²⁹⁵ The Supreme Court will not condone "any derogation of the independence of the judicial branch of government."²⁹⁶

²⁸⁹ Hereafter "TCAB."

²⁹⁰ Hereafter "BJA." See the BJA's website, http://www.courts.wa.gov/programs_orgs/pos_bja/ (visited May 28, 2016).

²⁹¹ BJAR Preamble.

²⁹² BJAR 1.

²⁹³ BJAR 2.

²⁹⁴ BJAR 1.

Our opinion today conveys a very strong message to the judiciary and local governments in Washington that the Supreme Court will not tolerate short cuts in due process.²⁹⁷

The Supreme Court has created several commissions to assist it in governing Washington's judicial branch.²⁹⁸ The DMCJA Board, along with the SCJA, TCAB and BJA should encourage the Supreme Court to consider establishing a statewide Judicial Independence Commission. Such a commission could develop policies to assist the Supreme Court in its endeavor to assure the independence of Washington's judicial branch of government, including the independence of Washington's municipal courts.

Finally, the Washington State Bar Association²⁹⁹ "has a compelling interest in the quality of justice at the local level..."³⁰⁰

Judges who are distracted or bogged down by administrative squabbles have no army to fight their battles and cannot effectively perform their job. Support from the Bar is critical to assist in ensuring the integrity of access to justice. County and municipal lawyers must be reminded of their ethical obligations to uphold the courts and not engage in or turn the other cheek to violations of GR 29.³⁰¹

The DMCJA Board should work with the WSBA's Board of Governors towards the goal of a heightened awareness by Washington's lawyers of the need for and concerns about judicial independence for all Washington's courts, including municipal courts.

²⁹⁵ *In re Hammermaster*, 139 Wn.2d 211, 249 (1999) (Talmadge, J., concurring).

²⁹⁶ *Id.*

²⁹⁷ *Id.* (emphasis added).

²⁹⁸ See the Supreme Court's Commissions' website, http://www.courts.wa.gov/programs_orgs/ (visited May 28, 2016).

²⁹⁹ Hereafter "WSBA." See RCW 2.48.010 *et seq.*

³⁰⁰ Judge Robert McSeveney, *Municipal Courts, Judicial Independence, and the Board for Judicial Administration*, Washington State Bar News, October 2002, at 25.

³⁰¹ *Id.*

Conclusion

For decades, Washington's municipal courts and judges have been under attack by their municipal executive and legislative branch counterparts. Municipal courts have been terminated, and sold to the lowest bidder. An elected judge was removed mid-term, not by the electorate, but by the city's termination of his court. Appointed judges have been removed mid-term, and others have not been retained at the end of the term. A judge's salary was reduced mid-term.

All these actions were taken by two municipal branches of government in response to their allegedly co-equal judicial branch's assertion of judicial independence. Some judges were removed over a dispute about court personnel. Some due to a disagreement with court rulings, or due to the court's concern about substandard court facilities. Other judges were not retained due to their failure to collect enough in fines, or for the increased costs associated with the appointment of defense counsel for indigent criminal defendants.

When the people ratified Washington's Constitution in 1889, they created three co-equal independent branches of government – executive, legislative and judicial. The constitutional division of power into three co-equal branches of government is for the protection of individuals against centralized authority and the abuses of power.

Our Framers recognized, however, that the judicial branch will always be the weakest branch because it has no power over the purse or the sword. So to achieve the goal of protection of individual liberty, a bedrock and fundamental principle of the American tripartite government system is that the independence of the judiciary must be “jealously guarded” from interference by the executive and legislative branches.

The concept of judicial independence is divided into two categories – institutional or branch independence, and decisional independence. The executive and legislative branches are constitutionally prohibited from interfering with either judicial independence category.

The people created Washington's judicial branch in Article IV. All judicial power of the state shall be vested only in a supreme court, a court of appeals, county superior courts, county district (formerly “justice of the peace”) courts, and municipal (formerly “inferior”) courts. The doctrines of separation of powers and judicial independence are embedded into Const. Art. IV, §1.

In the criminal justice system, the division of governmental authority into separate branches is especially important given the substantial liberty interests at stake and the need for numerous checks against “corruption, abuses of power, and other injustices.”³⁰²

Since municipal courts are created by the Constitution, their Article IV institutional and decisional independence from their city's executive and legislative branches is constitutionally

³⁰² *State v. Rice*, 174 Wn.2d 884, ¶30 (2012).

no less important than the judicial independence possessed by the Supreme Court or any of the other courts created by the Constitution in Article IV.

Although municipal courts are created by the Constitution, municipal courts are not constitutionally required to be established. The people instead delegated to the legislature the decision whether to “prescribe by law the jurisdiction and powers”³⁰³ of municipal courts, as well as the authority to terminate municipal courts. This Article IV legislative authority is limited, however, because the constitutional authority to transfer judicial power from superior and district courts to municipal courts is not one of the inherent powers granted to the legislature by the Constitution. The legislature is therefore constitutionally prohibited from delegating to municipalities the decision to whether to transfer Article IV judicial power.

While the legislature is not constitutionally required to establish any municipal courts, once it chooses to do so it cannot interfere with the core functions that make them Article IV “municipal courts” in the first place – i.e. co-equal and independent from their municipality’s executive and legislative branches.

The moment an Article IV municipal court is established and judicial power is transferred from superior and district courts, Const. Art. IV, §1 commands that the municipal court be separate and independent from its municipal counterparts. In other words, the municipal court becomes a co-equal third branch of city government with constitutional institutional and decisional independence from the other two city branches.

City mayors and councils have terminated their municipal courts, and transferred the court’s judicial power to the lowest bidder. They have replaced judges mid-term, failed to retain appointed judges at the end of a term, and transferred judicial power to newly appointed judges who are expected to follow their mayor’s and council’s policies or face the fate of their predecessors.

These actions, some of which are authorized by statute, transform Article IV municipal courts into city departments and judges into department heads. City departments and department heads serve “at the pleasure of” the mayor and/or council, and may be removed at the “whim or caprice” of the appointing authority. The legislature lacks Article IV constitutional authority to transform Article IV municipal courts into city departments. Similarly, the legislature lacks the Article IV constitutional authority to delegate such a decision to a city’s mayor or council.

Washington’s constitutional preference is for the election of Article IV judges. As authorized by Const. Art. IV, §12, the legislature has decided to require all full-time equivalent municipal court judges to be elected. The legislature has also constitutionally decided to allow part-time municipal judges to be elected or appointed at the discretion of the city’s executive and legislative branches. Since all part-time municipal court judges are Article IV judges, though, a city’s executive and legislative branches lack the constitutional power to fail to retain an appointed judge at the end of a term because such power would constitutionally transform the

³⁰³ Const. Art. IV, §12.

judge into a department head subject to the “whim or caprice” of a mayor or city council. If city officials do not want to appoint a part-time municipal court judge for life, the city has a clear legislative option – allow the city’s electorate to decide whether to retain the judge.

The DMCJA has a core duty to stop the on-going abuses of municipal courts and judges by city officials. A good start would be the creation of a standing Judicial Independence Committee. The SCJA, TCAB, BJA, Supreme Court, and WSBA also have important roles to play in the protection of the judicial independence of Washington’s municipal courts from their municipal executive and legislative branch counterparts.

The constitutional questions presented by this article are important. Constitutionally, may every Article IV municipal court be terminated by city officials, and sold by the mayor and council to the lowest bidder? Do municipal court judges serve at the pleasure of a city’s mayor and council, subject to be removed at their “whim or caprice”?

If the answers are yes, municipal courts are not Article IV courts, but rather are nothing more than city departments with department heads incorrectly named “judge.” City departments may be constitutionally terminated at any time by a city’s executive and legislative branches. Termination of a city department is a political decision to be made solely by city officials. Not surprisingly, city department heads must be obedient to the policies of their employer, or the department head risks being replaced, or the department terminated.

This article has attempted to explore the complex relationship between municipal court statutes and our Constitution. To do so effectively, one must start any such analysis by returning to the words of the Constitution, and exploring how those words have been interpreted by Washington’s Supreme Court. Finally, municipal court laws enacted by the legislature must be examined to determine whether those municipal court statutes pass constitutional muster.

The bottom line question is – Are Washington’s Article IV municipal courts and judges co-equal branches of city government, or departments and department heads serving “at the pleasure of” a city’s mayor and council, subject to department termination or removal of the department head at the “whim or caprice” of the mayor and council? Based upon experiences of the past 40 years, the future independence of all of Washington’s Article IV municipal courts and judges remains precarious.

Jeffrey J. Jahns has served as a Kitsap County District Court Judge since 2009. He served on the DMCJA Board of Governors from 2009-2015. He has presented seminars to judicial officers at all levels of Washington’s judiciary. He was Dean, Assistant Dean and Dean Emeritus of the Washington Judicial College from 2013-2015.



Judge Jahns was a criminal defense attorney for 13 years and a chief deputy prosecutor for 13 years prior to becoming a judge. As an attorney, he was named a "Super Lawyer" by *Washington Law & Politics* in 2002-2003, and 2005-2007.

Judge Jahns has received several professional awards, including the Washington State Bar Association Professionalism Award in 2004, and the Kitsap County Bar Association Professionalism Award in 1995.

The analysis and opinions discussed herein are solely those of Judge Jahns, and do not necessarily reflect the opinions of his bench mates or the Kitsap County District Court.

This article is dedicated to former Bainbridge Island Municipal Court Judge Kathryn Carruthers and all the other municipal court judges who lost their judicial positions protecting the independence of their courts from executive and legislative attack. Your courage protecting your court in the face of extreme political pressure remains an inspiration. You deserved much more from your cities and Washington's judicial branch.

NATIONAL LEADERSHIP GRANT APPLICATIONS

Judge Marilyn Paja, Kitsap County District Court

Sharon, If available in the DMCJA budget consideration process this year, I would like to apply for a DMCJA Leadership Grant to attend the 2017 Annual Conference of the National Association of Women Judges (NAWJ). In the past, the DMCJA has accepted an email application such as this one, and considered the application at the DMCJA Board retreat in the spring of the year. Please let me know if there is a different process with which I should comply.

I am an active NAWJ member, having previously served as District 13 Director and Membership Committee Chair. I currently serve as the NAWJ Vice President of Districts (conducting meetings of the entire Directorship nationwide), and serve on the Board and Executive Committee of the NAWJ. I was on the planning committee for the highly successful Seattle NAWJ Annual Conference in 2017, and was able to arrange a tour of the Suquamish Tribal Court and Tribal Museum hosted by the Chief Judge and the Tribal Chairman to highlight the work of the Tribal-Court Consortium in our own State. (Several programs from that Conference are being recreated for our state, including the Transgender education just approved for inclusion in the WA State Fall Conference 2017.) In the past I have reported back to the DMCJA Board and participated in bringing back educational offerings to our state for consideration by the DMCJA (Immigration and Firearms), AOC Fall Conference (Immigration/DV and Girl Trouble), and obo Gender & Justice Commission where I have served for several years. The Conference this year is in Atlanta beginning October 11 through October 15, 2017, and I anticipate minimum expenses of approximately \$2,400.

Early-bird Registration	\$695
Hotel (conference rate @ 199/night +tax for 5 nights)	\$1200
Airfare	\$450
Ground Transport (home/airport/hotel/airport)	\$100

Thank you and the DMCJA Board for consideration of my application, and also for continuing to fund this important leadership opportunity for DMCJA member judges.

Marilyn G. Paja

Judge Marilyn G. Paja
Kitsap County District Court
614 Division Street, MS-25
Port Orchard, WA 98366
Chambers: 360-337-7261

The 39th NAWJ Conference in Atlanta, Georgia theme, **Access to Justice: Past, Present, and Future**, will allow attendees to explore historical lessons about justice from the Civil Rights movement; discuss present justice changes such as criminal justice reform, and envision justice initiatives for years to come.

Explore optional social activities such as a dine around, a civil rights tour, excursions to the **Carter Presidential Library and Museum, and a visit to a local jail or prison.**

Education sessions: Human Trafficking • Trauma Informed Courts • Criminal Justice Reform • Implicit Bias • Family Courts and Self-Represented Litigants • Current Trends in Elder Law.

Hear from exciting speakers including:

Justice Michael Boggs, Supreme Court of Georgia

Chief Justice Leah Ward Sears (Ret.), Supreme Court of Georgia, and

Judges from the United States Court of Appeals for the Eleventh Circuit.

Marilyn

Judge Marilyn G. Paja

Personal cell: 360-710-8186

Chambers: 360-337-7261

Judge Janet Garrow, King County District Court

Attached please find my letter requesting a DMCJA National Leadership Grant to attend the October 2017 National Association of Women Judges annual conference in Atlanta, GA, October 11-15. Given the travel time, I plan to arrive on October 10th. I am requesting a \$2000 grant. The costs associated with attending the conference will exceed \$2000. Those costs include:

Early –Bird Member registration rate: \$595 (until June 30, 2017)

Lodging: \$199 per night, plus taxes, approximately \$238/night, for 5 nights = \$1190

Airfare: today's costs: approximately \$500; plus local transportation costs

Meals:

If you need any further information, please let me know.

Judge Janet E. Garrow

Assistant Presiding Judge

King County District Court

KING COUNTY DISTRICT COURT
East Division – Bellevue Courthouse

Judge Janet E. Garrow
Assistant Presiding Judge

1309-114th Ave SE
Bellevue, WA 98004
206-477-2100

Josie Jimenez
Court Manager

April 18, 2017

Judge G. Scott Marinella, President
and DMCJA Board Members

Re: Application for DMCJA National Leadership Grant

Dear Judge Marinella and Board Members:

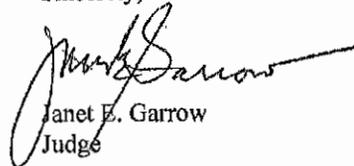
I am seeking a DMCJA National Leadership Grant to attend the October 2017 National Association of Women Judges (NAWJ) annual conference in Atlanta, Georgia. I have been a members of the NAWJ for many years and have been active in its Northwest chapter. I am seeking a grant of \$2000 to attend the conference. This amount will not cover all the expenses associated with attending the conference.

I am currently in my 19th year of judicial office. Throughout that period, I have been a very active member of the DMCJA, serving on many of its committees, as chair of the Rules Committee for many years, and currently as a DMCJA representative on the Board for Judicial Administration (BJA). As part of my BJA duties, I chair the Policy and Planning Committee. During my judicial tenure, I have also served DMCJA as dean of the Washington state Judicial College and as a speaker at DMCJA annual conferences.

As part of my work with the NAWJ, I have volunteered with the Association's women in prison initiatives. That work has involved attending the conference at the Mission Creek Women's Correctional Facility in Washington. In September 2017 I will again be involved with that conference. Thanks to the assistance of the DMCJA, I attended the NAWJ conference in Seattle and found it to be a very enriching experience.

Thank you for your consideration of my grant request. If you have any questions, please do not hesitate to ask me.

Sincerely,



Janet E. Garrow
Judge

Cc: Sharon Harvey, AOC



WASHINGTON PATTERN JURY INSTRUCTION COMMITTEE
May 6, 2017
9:00 a.m.

AGENDA

I. GENERAL COMMITTEE BUSINESS

- A. Minutes (page 5). Review of the draft minutes from the meeting on April 1, 2017.
- B. Proposed New Juror Orientation Video.
- C. 2016-2017 Meeting Schedule. The next meeting of the Committee is on June 3, 2017. The Committee is not scheduled to meet in July and August.
- D. Schedule for Review of the New (Seventh) Edition of the Civil Pattern Jury Instructions (page 16).
- E. Other Business.

II. REVIEW OF CIVIL JURY INSTRUCTIONS

- A. WPI 1.01, Advance Oral Instruction—Beginning of Proceedings (The instruction will be distributed via e-mail).
 - ★ 1. Unconscious Bias Jury Instructions (page 20). Unconscious bias jury instructions recently adopted for use in criminal cases by the U.S. District Court, Western District of Washington. ★
 - ★ 2. Video on Unconscious Bias (page 25). The video on unconscious bias created by the federal district court and shown as part of juror orientation can be found at <http://www.wawd.uscourts.gov/jury/unconscious-bias>. Please watch this 11-minute video before the meeting on May 6, 2017. ★
- B. WPI Chapter 13.03, Assumption of Risk—Implied Primary (page 26). This instruction is on for first review.
- C. WPI Chapter 110, Product Liability
The subcommittee members (Judge McCarthy, chair, Mary Spillane, Joel Cunningham, and Jeff Tilden) have two additional changes to propose to this chapter. These changes are on for first review.
 - 1. WPI Chapter 110.01.01, Manufacturer's Duty—Express Warranties (page 39).

2. **WPI Chapter 110.03, Manufacturer's Duty to Provide Warnings or Instructions With Product** (page 41).

D. WPI Chapter 120, Trespasser—Licensee—Social Guest—Invitee

The members of the subcommittee for chapter 120 are Judge Halpert (chair), Judge Krese, Garth Jones, Keith Kessler, Becky Roe, Peggy Pahl, and David Eldred.

- ~~1. **WPI 120.06, Duty to Business or Public Invitee—Activities or Condition of Premises** (page 60). This instruction is on for first review. [WITHDRAWN]~~
- ~~2. **WPI 120.06.01, Duty of Business Proprietor to Customer—Activities or Condition of Premises** (page 82). This instruction is on for first review. [WITHDRAWN]~~
3. **WPI 120.06.02, Duty to Invitee or Customer—Notice of Temporary Unsafe Condition Not Caused by Owner or Occupier** (page 52). This instruction is on for second review.

E. WPI Chapter 107, Legal Malpractice

The proposed changes to this chapter are on for first review. The subcommittee members for this chapter are Judge McCarthy, chair, Jeff Tilden, Robert Gould, and Jeffrey Downer.

1. **WPI 107.00, Introduction** (page 84).
2. **WPI 107.01, Existence of Attorney-Client Relationship** (page 87).
3. **WPI 107.02, Duty to Non-Client** (page 90).
4. **WPI 107.03, Duty to Non-Client—Special Verdict Form** (page 92).
5. **WPI 107.04, Legal Malpractice—Negligence—Standard of Care** (page 93).
6. **WPI 107.05, Legal Malpractice—Negligence—Standard of Care—Special Expertise** (page 96).
7. **WPI 107.06, Legal Malpractice—Negligence—Burden of Proof** (page 98).
8. **WPI 107.07, Legal Malpractice—Proximate Cause** (page 100).
9. **WPI 107.08, Legal Malpractice—Negligence—Damages** (page 102).
10. **WPI 107.08.01, Legal Malpractice—Negligence—Damages—Emotional Distress (NEW)** (page 106).

11. **WPI 107.09, Attorney's Fiduciary Duty** (page 108).
12. **WPI 107.10, Breach of Fiduciary Duty—Burden of Proof** (page 110).
13. **WPI 107.11, Breach of Fiduciary Duty—Damages** (page 113).

F. WPI Chapter 351, Trade Secrets

The proposed changes to Chapters 351 and 352 are on for first review. The members of these subcommittees are Judge Krese, chair, Professor DeWolf, and Professor Holland.

1. **WPI 351.01, Trade Secrets—Burden of Proof** (page 144).
2. **WPI 351.02, Trade Secret—Definition** (page 148).
3. **WPI 351.03, Misappropriation—Definition** (page 151).
4. **WPI 351.04, Improper Means—Definition** (page 153).
5. **WPI 351.05, Independent Economic Value—Definition** (page 154).
6. **WPI 351.06, Readily Ascertainable—Definition** (page 157).
7. **WPI 351.07, Reverse Engineering—Definition** (page 158).
8. **WPI 351.08, Reasonable Efforts to Maintain Secrecy—Definition** (page 159).

G. WPI Chapter 352, Tortious Interference With Economic Relations

1. **WPI 352.01, Tortious Interference With Contract—Burden of Proof on the Issues—No Affirmative Defense** (page 161).
2. **WPI 352.01.01, Tortious Interference With Contract—Burden of Proof on the Issues—With Affirmative Defenses** (page 165).
3. **WPI 352.02, Tortious Interference With Business Expectancy—Burden of Proof on the Issues—No Affirmative Defense** (page 168).
4. **WPI 352.02.01, Tortious Interference With Business Expectancy—Burden of Proof on the Issues—With Affirmative Defenses** (page 171).

5. **WPI 352.03, Tortious Interference—Improper Purpose—Improper Means—Definitions** (page 173).
6. **WPI 352.04, Tortious Interference With Contract—Affirmative Defense—Legally Protected Interest** (page 177).
7. **WPI 352.05, Tortious Interference With Business Expectancy—Affirmative Defense—Competition** (page 180).
8. **WPI 352.06, Tortious Interference With Business Expectancy—Affirmative Defense—Financial Interest** (page 182).



DMCJA Bylaws Committee Report April 2017

Committee Members:

Commissioner Kipling, Chair
Judge Gregory
Judge Hedine
Judge Phillips

AOC Staff:

Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose an amendment to modify Article VIII, Section 1 of the DMCJA Bylaws, regarding the DMCJA representative to the Board of Judicial Administration. This proposed amendment is intended (1) to fix a “staggering” issue for the BJA by creating a two-year term, followed by a four-year term, for the BJA representatives selected in June 2017, and (2) to clarify an ambiguity regarding the limit on consecutive terms. During its April meeting, the DMCJA Board suggested language regarding the proposed amendment. The Bylaws Committee reviewed the language and approved the proposal for presentation to the membership.

Proposed amendment to DMCJA Bylaws Article VIII, Sec. 1 **ARTICLE VIII – Board for Judicial Administration**

Section 1. BJA Representative:

The Association shall be represented on the Board for Judicial Administration (BJA) by the Association President and by four members, as follows: One (1) municipal court judge, one (1) district court judge and two (2) members at large. Selection shall be by vote of the membership as with other Association officers. The Association President position shall be for the period of the Association Presidency. The President-Elect shall be an *ex officio* member of the BJA during their term as President-Elect. All other positions shall be for a term of four years—provided that the terms of members which begin on July 1, ~~2017~~ 2010 and July 1, ~~2011~~ shall be for less than a full term, two years, and shall thereafter be for a term of four years. Representatives shall not serve more than two four year terms consecutively. A representative may serve an unexpired term, less than a full term, and then serve two consecutive terms.

Selection of BJA representatives shall be based on demonstrated commitment to improving the courts and should reflect ethnic, gender, geographic and caseload differences.

Section 2. Election of Representatives: [no change]

Section 3. Vacancies: [no change]

District and Municipal Court Judges' Spring Program

June 4 – 7, 2017

The Davenport Grand Hotel ♦ 333 W. Spokane Falls Boulevard ♦ Spokane, Washington 99201
♦ Reservations: 509-458-3330 ♦

TENTATIVE AGENDA

Sunday, June 4

11:00 a.m. – 12:30 p.m.
Registration

12:30 p.m. – 1:00 p.m.
Welcome and Opening Remarks

1:00 p.m. – 2:30 p.m.
PLENARY: First Amendment vs. The Code of Judicial Conduct: What We Can Say, What We Should Say
Ms. J. Reiko Callner, Commission on Judicial Conduct
Judge Damon Shadid, Seattle Municipal Court

The session will cover how recent U.S. Supreme Court opinions, including *Republican Party of Minnesota v. White* and *Williams-Yulee v. The Florida Bar*, conflict with the current Code of Judicial Conduct. It will also include discussion of prohibited speech as well as an overview of the relevant case law, what it says, and how it conflicts with the code. We will then apply this knowledge to the members of the U.S. Supreme Court and other high profile judges to get a better understanding of the pitfalls of such conflicts.

3:00 p.m. – 4:30 p.m.
PLENARY: Civility Skills: Understanding the Impact of Bias on Civility in the Law
Mr. Timothy Jaasko-Fisher, Robert's Fund

Justice is best served when biases and assumptions are effectively addressed. Two integral components of civility are being aware of our own biases and assumptions and being able to respond to those of others. Everyone has biases and assumptions as we need them to survive. But problems sometimes arise when we act without examining these assumptions and how they impact the way we operate in the world. Likewise, assumptions and biases others hold can impact the choices available to us in a given situation. Developing skills to navigate these situations effectively can promote a more civil and just legal system.

Sunday, June 4 (Continued)

4:45 p.m. – 5:45 p.m.
OPTIONAL: "Going to the End of the Line" - Considerations Before and After Judicial Retirement
Judge Timothy Jenkins, Summer Municipal Court
Judge James Riehl, (Retired)

Sponsored by the Judicial Assistance Services Program

This panel discussion outlines considerations in your preparation for departure from the bench (i.e. "Retirement"). We will cover the Department of Retirement Systems basics such as financial considerations including pension, social security, and personal savings. We will also address other personal considerations including health and health care, facing the emotional changes, and formulating your future plans.

6:00 p.m. – 6:30 p.m.
No-Host Social

6:30 p.m. – 10:00 p.m.
Group Dinner and Karaoke

Monday, June 5

6:30 a.m. – 7:55 a.m.
Breakfast

8:00 a.m. – 9:30 a.m.
CHOICE SESSIONS:

Immigration: What Every Judge Should Know
Ms. Elizabeth Benki, Northwest Immigrant Rights Project
Ms. Annie Benson, Washington Defender Association
Immigration Project
Judge Ketu Shah, King County District Court

Federal immigration enforcement and policy is changing rapidly. Historically, an immigrant faced potential consequences of deportation upon being convicted of a crime. Now, immigrants who are criminal suspects or charged with a crime face deportation consequences as well. This session will educate judges about the immigration consequence criminal suspects and defendants face, Padilla obligations, and court practices regarding immigration issues, both pre-trial and post-conviction.



WASHINGTON
COURTS

DMCJA BOARD MEETING
SATURDAY, MAY 13, 2017
11:10 AM – 1:00 PM
THE CHRYSALIS INN
BELLINGHAM, WA

PRESIDENT-ELECT JUDGE SCOTT K. AHLF

SUPPLEMENTAL AGENDA

PAGE

Call to Order

General Business

- A. Minutes – April 14, 2017
- B. Treasurer’s Report – Judge Meyer**
- C. Special Fund Report – Judge Robertson
- D. Standing Committee Reports
 - 1. Legislative Committee – Judge Meyer
 - 2. Rules Committee Minutes for March 22, 2017
- E. Trial Court Advocacy Board (TCAB)
- F. Judicial Information Systems (JIS) Report – Ms. Vicky Cullinane

1-6
X1-X24

7-8

Liaison Reports

- A. District and Municipal Court Management Association (**DMCMA**) – Ms. Paulette Revoir
- B. Misdemeanant Corrections Association (**MCA**) – Ms. Melissa Patrick
- C. Superior Court Judges’ Association (**SCJA**) – Judge Sean O’Donnell
- D. Washington State Bar Association (**WSBA**) – Sean Davis, Esq.
- E. Washington State Association for Justice (**WSAJ**) – Loyd James Willaford, Esq.
- F. Board for Judicial Administration (**BJA**) – Judges Garrow, Jasprica, Logan, and Ringus

Discussion

- A. DMCJA Finances – Whether to Reduce the Number of Banks holding DMCJA Funds
- B. Court Education Committee Retreat Update – Judge Fair
- C. Judicial Independence and Municipal Courts
- D. National Leadership Grant Applications

9

10-120

121-123

<p>Information</p> <p>A. The Pattern Jury Form Committee has discussed implicit bias jury instructions and plan to include some form of implicit bias instructions in future jury instructions.</p> <p>B. The DMCJA Bylaws Committee has prepared the BJA Staggered terms proposal for the 2017 Spring Conference ballot to be voted on by association members.</p> <p>C. The DMCJA Education Committee will offer a choice session at the 2017 DMCJA Spring Conference entitled, <i>Immigration: What Every Judge Should Know</i>. The session is Monday, June 5, 8:00 a.m. to 9:30 a.m.</p> <p>D. Judge Vernon Schreiber passed away on April 25, 2017 after a period of illness.</p>	<p>124-127</p> <p>128</p> <p>129</p>
<p>Other Business</p> <p>The next DMCJA Board Meeting is June 4, 2017, 9:00 a.m. to 12:00 p.m., at the Davenport Grand Hotel, Spokane, WA.</p>	
<p>Adjourn</p>	
<p>Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or susan.peterson@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	

Christina E Huwe
Pierce County Bookkeeping
1504 58th Way SE
Auburn, WA 98092
Phone (360) 710-5937
E-Mail: piercecountybookkeeping@comcast.net

SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending April 30th, 2017

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Current Information
- Current Budget Balance

Please contact me if you have any questions in regards to the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Ten Months Ending April 30th, 2017

	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17
Ordinary Income/Expense							
Income							
2017 Special Fund	0	0	0	0	0	0	0
Interest Income	13	13	12	9	6	16	9
Membership Revenue	0	0	0	0	0	0	8,000
Total Income	<u>13</u>	<u>13</u>	<u>12</u>	<u>9</u>	<u>6</u>	<u>16</u>	<u>8,009</u>
Gross Profit	13	13	12	9	6	16	8,009
Expense							
Pro-Tem	0	0	0	0	0	0	0
Prior Year Budget Expense	1,975	612	2,398	831	0	0	32
4 - Board Meeting Expense	453	2,453	3,863	993	2,262	468	3,843
5 - Bookkeeping Expense	0	0	535	225	248	416	736
7 - Conference Calls	0	0	9	0	117	0	0
8 - Conference Committee	0	0	0	0	0	0	0
10 - Diversity Committee	0	298	621	863	0	0	0
11 - DMCJA/SCJA Sentencing Alt.	0	0	287	0	287	0	0
12 - DMCMA Liaison Committee	0	0	0	339	0	0	0
14 - Education Committee	0	868	0	0	0	683	363
15 - Educational Grants	0	0	0	0	439	0	0
16 - Education - PJ Confrence	0	0	15,000	0	0	0	0
17 - Education - Security	0	0	0	0	0	0	287
18 - Judicial Assistance Commit	0	(6,700)	438	3,464	2,722	0	1,444
19 - Judicial Community Outreac	0	0	54	287	0	0	0
20 - Legislative Committee	0	151	453	0	0	0	0
21 - Legislative Pro-Tem	0	42	0	0	136	0	0
22 - Lobbyist Contract	3,083	5,083	7,083	5,083	5,083	5,083	3,083
24 - Long-Range Planning Commit	0	0	0	0	0	0	0
25 - MCA Liaison	0	0	0	0	0	0	0
26 - National Leadership Grants	0	0	0	1,585	1,050	0	0
28 - President Expense	0	0	100	0	0	0	0
29 - Pro Tempore	0	0	0	0	0	0	0
31 - Rules Committee	0	22	0	85	0	0	164
32 - SCJA Board Liaison	0	54	0	0	0	0	64
34 - Treasurer Expense and Bond	0	54	0	0	0	0	0
36 - Trial Court Advocacy Board	0	0	0	0	353	0	46
99 - Depreciation Expense	10	10	10	10	10	10	10
Bank Service Charges	0	0	0	14	12	5	5
Total Expense	<u>5,521</u>	<u>2,946</u>	<u>30,852</u>	<u>13,779</u>	<u>12,719</u>	<u>6,665</u>	<u>10,078</u>
Net Ordinary Income	<u>(5,508)</u>	<u>(2,933)</u>	<u>(30,839)</u>	<u>(13,770)</u>	<u>(12,713)</u>	<u>(6,649)</u>	<u>(2,069)</u>
Net Income	<u>(5,508)</u>	<u>(2,933)</u>	<u>(30,839)</u>	<u>(13,770)</u>	<u>(12,713)</u>	<u>(6,649)</u>	<u>(2,069)</u>

Washington State District And Municipal Court Judges Assoc.

Statement of Activities

For the Ten Months Ending April 30th, 2017

	Feb 17	Mar 17	Apr 17	TOTAL
Ordinary Income/Expense				
Income				
2017 Special Fund	3,475	875	775	5,125
Interest Income	8	11	2	98
Membership Revenue	117,400	51,225	1,725	178,350
Total Income	<u>120,883</u>	<u>52,111</u>	<u>2,502</u>	<u>183,573</u>
Gross Profit	120,883	52,111	2,502	183,573
Expense				
Pro-Tem	0	9,146	210	9,356
Prior Year Budget Expense	0	0	0	5,849
4 - Board Meeting Expense	636	2,505	510	17,987
5 - Bookkeeping Expense	293	563	360	3,375
7 - Conference Calls	0	0	0	126
8 - Conference Committee	0	1,000	0	1,000
10 - Diversity Committee	0	0	0	1,781
11 - DMCJA/SCJA Sentencing Alt.	0	164	0	739
12 - DMCMA Liaison Committee	0	0	0	339
14 - Education Committee	0	0	0	1,913
15 - Educational Grants	0	0	0	439
16 - Education - PJ Confrence	(3,722)	0	0	11,278
17 - Education - Security	0	0	0	287
18 - Judicial Assistance Commit	0	1,984	185	3,538
19 - Judicial Community Outreac	0	0	0	341
20 - Legislative Committee	0	989	0	1,593
21 - Legislative Pro-Tem	0	82	0	259
22 - Lobbyist Contract	3,083	9,083	5,083	50,833
24 - Long-Range Planning Commit	0	122	0	122
26 - MCA Liaison	0	403	0	403
26 - National Leadership Grants	0	0	0	2,635
28 - President Expense	0	0	85	185
29 - Pro Tempore	136	0	0	136
31 - Rules Committee	0	0	0	271
32 - SCJA Board Liaison	54	0	0	172
34 - Treasurer Expense and Bond	0	0	0	54
36 - Trial Court Advocacy Board	0	0	0	398
99 - Depreciation Expense	10	10	10	96
Bank Service Charges	15	(5)	0	46
Total Expense	<u>505</u>	<u>26,045</u>	<u>6,443</u>	<u>115,552</u>
Net Ordinary Income	<u>120,378</u>	<u>26,066</u>	<u>(3,941)</u>	<u>68,020</u>
Net Income	<u>120,378</u>	<u>26,066</u>	<u>(3,941)</u>	<u>68,020</u>

4:49 PM
05/07/17

**Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Checking, Period Ending 04/30/2017**

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						48,369.48
Cleared Transactions						
Checks and Payments - 26 items						
Check	03/29/2017	online	AOC	X	-337.32	-337.32
Check	03/29/2017	online	Janet Garrow	X	-259.72	-597.04
Check	03/29/2017	online	Lisa Worswick	X	-220.09	-817.13
Check	03/29/2017	online	Timothy Jenkins	X	-217.92	-1,035.05
Check	03/29/2017	online	Chris Culp	X	-182.45	-1,217.50
Check	03/29/2017	online	Susan Woodard	X	-141.95	-1,359.45
Check	03/29/2017	online	Marybeth Dingley	X	-137.14	-1,496.59
Check	03/29/2017	online	Jackie Shea-Brown	X	-134.30	-1,630.89
Check	03/29/2017	online	Thurston County Dis...	X	-81.75	-1,712.64
Check	03/31/2017	online	Steven Buzzard	X	-106.00	-1,818.64
Check	03/31/2017	online	Susan L. Solan	X	-53.50	-1,872.14
Check	03/31/2017	online	Franklin L. Dacca	X	-16.05	-1,888.19
Check	04/05/2017	online	Melanie Stewart	X	-2,000.00	-3,888.19
Check	04/14/2017	online	Snohomish Co. Distr...	X	-210.00	-4,098.19
Check	04/14/2017	online	Cave B	X	-99.34	-4,197.53
Check	04/14/2017	online	Marybeth Dingley	X	-88.14	-4,285.67
Check	04/21/2017	online	Douglas B. Robinson	X	-260.00	-4,545.67
Check	04/21/2017	online	Scott Ahlf	X	-53.50	-4,599.17
Check	04/21/2017	online	Samuel G. Meyer	X	-53.50	-4,652.67
Check	04/21/2017	online	Linda Coburn	X	-33.17	-4,685.84
Check	04/21/2017	online	Douglas Fair	X	-32.10	-4,717.94
Check	04/21/2017	online	Michelle Gehison	X	-29.96	-4,747.90
Check	04/21/2017	online	Rick Leo	X	-26.37	-4,774.27
Check	04/21/2017	online	Kevin Ringus	X	-21.40	-4,795.67
Check	04/24/2017	online	Pierce County Book...	X	-360.00	-5,155.67
Total Checks and Payments					-5,153.67	-5,153.67
Deposits and Credits - 2 items						
Deposit	04/14/2017			X	1,475.00	1,475.00
Deposit	04/24/2017			X	250.00	1,725.00
Total Deposits and Credits					1,725.00	1,725.00
Total Cleared Transactions					-3,428.67	-3,428.67
Cleared Balance					-3,428.67	44,940.81
Uncleared Transactions						
Checks and Payments - 1 item						
Check	02/11/2014	7276	Douglas Goelz		-84.00	-84.00
Total Checks and Payments					-84.00	-84.00
Total Uncleared Transactions					-84.00	-84.00
Register Balance as of 04/30/2017					-3,512.67	44,856.81
New Transactions						
Checks and Payments - 5 items						
Check	05/03/2017	online	Judicial Conf. Regist...		-1,500.00	-1,500.00
Check	05/03/2017	online	Thurston County Dis...		-817.50	-2,317.50
Check	05/03/2017	online	4imprint		-460.98	-2,778.48
Check	05/03/2017	online	Pierce County Book...		-315.00	-3,093.48
Check	05/03/2017	online	Mary C. Logan		-18.56	-3,112.04
Total Checks and Payments					-3,112.04	-3,112.04
Deposits and Credits - 1 item						
Deposit	05/03/2017				1,500.00	1,500.00
Total Deposits and Credits					1,500.00	1,500.00
Total New Transactions					-1,612.04	-1,612.04
Ending Balance					-5,124.71	43,244.77

4:50 PM
05/07/17

Washington State District And Municipal Court Judges Assoc.
Reconciliation Detail
Bank of America - Savings, Period Ending 04/30/2017

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						122,787.71
Cleared Transactions						
Deposits and Credits - 1 Item						
Deposit	04/26/2017			X	2.02	2.02
Total Deposits and Credits					2.02	2.02
Total Cleared Transactions					2.02	2.02
Cleared Balance					2.02	122,789.73
Register Balance as of 04/30/2017					2.02	122,789.73
Ending Balance					2.02	122,789.73

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
				returned bill pay from 3-1-16 Michelle Gehl...	24.84	24.84
Deposit	07/01/2016				(205.77)	(180.93)
Check	07/19/2016	online	AOC		(2,000.00)	(2,180.93)
Check	07/19/2016	online	Melanie Stewart	June (prior budget expense)	(134.97)	(2,315.90)
Check	07/19/2016	online	Michael Lambo		(112.03)	(2,427.93)
Check	07/19/2016	online	AOC	retreat expense	(144.97)	(2,572.90)
Check	08/15/2016	online	David A. Svaren	KS0Y9-WB9XK date 6-5-16	(208.32)	(2,781.22)
Check	08/15/2016	online	Douglas B. Robinson	KS0Y9-WGKBN	(660.34)	(3,441.56)
Check	08/15/2016	online	G. Scott Marinella	KS0Y9-WH991 date 7-14-16	(74.04)	(3,515.60)
Check	08/15/2016	online	Michael Finkle	date 7-14-16 KS0Y9-WHTF6	(2,000.00)	(5,515.60)
Check	08/15/2016	online	Melanie Stewart	July 7-6-16 invoice 4336 KS0Y9-WHG7Q	(81.00)	(5,596.60)
Check	08/15/2016	online	Michelle Gehlsen	7-29-16 KS0Y9-WHTF8	(271.56)	(5,868.16)
Check	08/15/2016	online	Ingallina's Box Lunch	KS0Y9-WHG7Q 7-19-16	(26.12)	(5,894.28)
Check	08/15/2016	online	The Deit	7-19-16	(800.00)	(6,494.28)
Check	08/15/2016	online	Susanna Neil Kanther-Raz	April & May KS0Y9-WJCP0	(875.00)	(7,369.28)
Check	08/16/2016	online	Dino W Traverso, PLLC	6/30/16 invoice 10833 for work ending on ...	(537.89)	(7,906.87)
Check	08/17/2016	online	Ingallina's Box Lunch	KS7D9-2N7Y8	(300.00)	(8,206.87)
Check	08/17/2016	online	Susanna Neil Kanther-Raz	June Invoice KS7CX-RJV50	(103.52)	(8,310.39)
Check	08/18/2016	online	Rick Leo	KS0Y0-WJ74G	8,283.28	(27.11)
Deposit	08/22/2016			Deposit	(63.40)	(90.51)
Check	08/22/2016	online	Joseph Burrowes	KSRJ-KF1ZH	(24.84)	(115.35)
Check	08/22/2016	online	Michelle Gehlsen		(54.00)	(169.35)
Check	08/22/2016	online	Samuel G. Meyer	KSRJ-KJXJC	(162.00)	(331.35)
Check	08/22/2016	online	Scott Ahlf	KSRJ-KK4TR	(21.60)	(352.95)
Check	08/22/2016	online	Kevin Ringus	KSRT1-BP9K2	(153.90)	(506.85)
Check	08/22/2016	online	Tracy A. Staab	KSRTG-D21GW	(96.00)	(602.85)
Check	08/22/2016	online	Douglas B. Robinson	KSRTS-37JSC	(18.36)	(621.21)
Check	08/22/2016	online	Michael Finkle	KSRTS-37JSC	(79.20)	(700.41)
Check	08/22/2016	online	G. Scott Marinella	KSRTZ-Z0KTN	(16.74)	(717.15)
Check	08/22/2016	online	David A. Steiner	KSRV3-7XM21	(300.00)	(1,017.15)
Check	08/22/2016	online	Susanna Neil Kanther-Raz	KSRV7-5RS1D July Invoice	(21.60)	(1,038.75)
Check	08/22/2016	online	Franklin L. Dacca	KSRTB-L4482	(21.60)	(1,060.35)
Check	08/22/2016	online	Karen Donohue	KSRTB-L50CF	(18.64)	(1,078.99)
Check	08/22/2016	online	Mary C. Logan	KSRTB-L56Y6	(25.92)	(1,104.91)
Check	08/22/2016	online	Michael J. Lambo	KSRTB-L5DTH	(24.18)	(1,129.09)
Check	08/22/2016	online	Rick Leo	KSRTB-L5P19	(42.00)	(1,171.09)
Check	08/26/2016	online	Mary C. Logan	KT540-M43TH	(238.76)	(1,409.85)
Check	08/26/2016	online	Ingallina's Box Lunch	KT53X-0C0D4	(12.74)	(1,422.59)
Check	08/26/2016	online	Lisa O'Toole	KT54D-4JR8Z	(14.04)	(1,436.63)
Check	08/26/2016	online	Scott Stewart	KT54M-KPYG8	(9.72)	(1,446.35)
Check	08/26/2016	online	Timothy Jenkins	KT54V-902HK	(16.20)	(1,462.55)
Check	08/26/2016	online	Kevin McCann	KT54X-K8CD0	(21.60)	(1,484.15)
Check	08/26/2016	online	Karen Donohue	KT558-J07Q5	(172.80)	(1,656.95)
Check	08/26/2016	online	Kelley Olwell	KT545-9PK15	(168.48)	(1,825.43)
Check	08/29/2016	online	Roy Fore	KTG6F-436W9	(426.62)	(2,252.05)
Transfer	08/31/2016			Credit Card Payment KTW3D-1BGVJ	(54.00)	(2,306.05)
Check	08/31/2016	online	Melanie Stewart	KTW3M-8JBKN	(399.00)	(2,705.05)
Check	09/02/2016	online	Robert Grlin	KV5GL-42DJ3	(494.84)	(3,199.59)
Check	09/02/2016	online	Superior Court Judges Association	KTRXS-KJLFY	(333.67)	(3,533.36)
Check	09/07/2016	online	Charles Short	KVC5X-D2JT5	(150.00)	(3,683.36)
Check	09/07/2016	online	Pierce County Bookkeeping	KV8PR-SFVCZ	(15,000.00)	(18,683.36)
Check	09/09/2016	online	Administrative Office of the Courts	Presiding Judges' Conference	(2,000.00)	(20,683.36)
Check	09/13/2016	online	Melanie Stewart	KW1VM-BWC68	5,000.00	(15,683.36)
Transfer	09/13/2016			Funds Transfer	(2,000.00)	(17,683.36)
Check	09/13/2016	online	Melanie Stewart	September invoice 4364 KW4YK-T7NN7	(41.40)	(17,724.76)
Check	09/20/2016	online	Joseph Burrowes	KWP5K-2VX09	(54.00)	(17,778.76)
Check	09/20/2016	online	Samuel G. Meyer	KWP6K-GMKZM	(91.80)	(17,870.56)
Check	09/20/2016	online	Douglas B. Robinson	KWP6W-2ZSJL	(339.12)	(18,209.68)
Check	09/20/2016	online	G. Scott Marinella	KWS3C-KQWH3	(142.52)	(18,352.20)
Check	09/20/2016	online	Karen Donohue	KWS3L-XTF63	(83.16)	(18,435.36)
Check	09/20/2016	online	Wade Samuelson	KWS3S-26R0W	(388.35)	(18,823.71)
Check	09/20/2016	online	Charles Short	KWS3Z-WG1NC	(109.52)	(18,933.23)
Check	09/20/2016	online	Michelle Gehlsen	KWS46-H0FDB	(138.52)	(19,071.75)
Check	09/20/2016	online	Michael J. Lambo	KWS4C-86NG3	(5,377.44)	(24,449.19)
Check	09/20/2016	online	AOC	KWSBR-W30F3	7,000.00	(17,449.19)
Transfer	09/20/2016			Funds Transfer Confirmation Number 3547...	(22.00)	(17,471.19)
Check	09/20/2016	online	Linda Coburn	KWX0G-F9TDB	(385.00)	(17,856.19)
Check	09/26/2016	online	Pierce County Bookkeeping	KWQB0-B7YC3	(154.52)	(18,010.71)
Check	09/28/2016	online	Judy Jasprica	KXGX6-W7WVC	(54.00)	(18,064.71)
Check	09/28/2016	online	Scott Ahlf	KXGXJ-H8176	(985.00)	(19,049.71)
Check	10/24/2016	online	Karen Donohue	L07K2-8C16Q	(800.00)	(19,849.71)
Check	10/24/2016	online	Janet Garrow	L07KD-8B7ML	(778.08)	(20,427.79)
Check	10/26/2016	online	Barbara Barnes	LOGB1-R9S8F	(819.36)	(21,047.15)
Check	10/26/2016	online	Okanogan County District Court		(243.65)	(21,290.70)
Check	10/26/2016	online	Charles Short	LOGC0-LYHB9	7,000.00	(14,290.70)
Transfer	10/26/2016			Funds Transfer	(831.32)	(15,122.02)
Check	10/26/2016	online	Administrative Office of the Courts	LOGD3-0S7MC	(24.00)	(15,146.02)
Check	10/26/2016	online	Douglas B. Robinson	LOGFF-6H9Y7		

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Type	Date	Num	Name	Memo	Amount	Balance
Check	10/26/2016	online	Karen Donohue	LOGG2-8DQTX	(21.60)	(15,167.62)
Check	10/26/2016	online	Michelle Gehlsen	LOGG4-V53B0	(24.84)	(15,192.46)
Check	10/26/2016	online	Douglas Fair	LOGG7-3RFC1	(32.40)	(15,224.86)
Check	10/26/2016	online	Linda Coburn	LOGG9-LLD6L	(33.48)	(15,258.34)
Check	10/26/2016	online	Joseph Burrowes	LOGGL-N6KC5	(25.20)	(15,283.54)
Check	10/26/2016	online	Scott Ahlf	LOGGN-VBF3M	(54.00)	(15,337.54)
Check	10/26/2016	online	Michael Evans	LOGFZ-HH7T1	(15.93)	(15,353.47)
Check	10/26/2016	online	Melanie Stewart	October Invoice LOGH0-MD6RC	(2,000.00)	(17,353.47)
Check	10/26/2016	online	Susanna Neil Kanther-Raz	LOGHH-5SSPV	(670.52)	(18,023.99)
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	(802.31)	(18,826.30)
Check	10/26/2016	online	The Deli	LOGJ8-RP496	(17.41)	(18,843.71)
Check	10/26/2016	online	Scott Ahlf	LOGJK-G3T45	(84.80)	(18,928.51)
Check	10/26/2016	online	Marybeth Dingedy	LOGJS-9HX8C	(38.88)	(18,967.39)
Check	10/26/2016	online	Bruce Weiss	LOGK5-SJY21	(44.28)	(19,011.67)
Check	10/26/2016	online	Samuel G. Meyer	LOGKB-F80XV	(54.00)	(19,065.67)
Check	10/26/2016	online	Chris Culp	LOGKJ-9VVPB	(161.00)	(19,226.67)
Check	10/26/2016	online	Marilyn Haan	LOGKQ-XQHS9	(156.12)	(19,382.79)
Check	10/26/2016	online	Mary C. Logan	LOGL0-6TXQW	(9.40)	(19,392.19)
Check	10/26/2016	online	James Doctor	LOGL5-HW441	(64.40)	(19,456.59)
Check	10/26/2016	online	Lisa Worswick	LOGLC-3QQ3C	(10.26)	(19,466.85)
Check	10/26/2016	online	Timothy Jenkins	LOGLH-YG9KB	(9.72)	(19,476.57)
Check	10/26/2016	online	Richard McDermott	LOGLS-2BJDP	(27.00)	(19,503.57)
Transfer	10/26/2016			Funds Transfer	2,000.00	(17,503.57)
Check	10/26/2016	online	AOC	LOGMC-K3KQX	(2,007.89)	(19,511.46)
Check	10/31/2016	online	Pierce County Bookkeeping	LOFSG-5D1ZD	(226.00)	(19,736.46)
Check	10/31/2016			Service Charge	(14.00)	(19,750.46)
Check	11/04/2016	online	Susan Woodard	L1BVL-PKB8H	(61.00)	(19,811.46)
Check	11/04/2016	online	Edmond Muni Court	L1BWR-12Q62	(109.52)	(19,920.98)
Check	11/04/2016	online	James Doctor		(65.40)	(19,986.38)
Check	11/07/2016	online	Melanie Stewart	November Invoice 4384 L1NX7-6TZWN	(2,000.00)	(21,986.38)
Transfer	11/07/2016			Funds Transfer	2,000.00	(19,986.38)
Check	11/07/2016	online	Cave B	L224D-MBBDZ	(2,326.32)	(22,312.70)
Check	11/11/2016	online	David A. Steiner	L2255-3Q6D4	(24.84)	(22,337.54)
Check	11/11/2016	online	Kevin Ringus	L225G-X6GBZ	(21.60)	(22,359.14)
Check	11/11/2016	online	Michael J. Lambo	L225W-22W9M	(25.92)	(22,385.06)
Check	11/11/2016	online	Samuel G. Meyer	L225Y-WJ04X	(54.00)	(22,439.06)
Check	11/11/2016	online	Janet Garrow	L2266-D6QNN	(14.04)	(22,453.10)
Check	11/11/2016	online	Mary C. Logan	L226D-9QM1Q	(19.18)	(22,472.28)
Check	11/11/2016	online	Linda Coburn	L226H-BLSGD	(34.66)	(22,506.84)
Check	11/11/2016	online	Scott Ahlf	L226K-JZ0B8	(179.02)	(22,685.86)
Check	11/11/2016	online	Tracy A. Staab	L226P-HPBTZ	(154.44)	(22,840.30)
Transfer	11/11/2016			Funds Transfer	30,000.00	7,159.70
Check	11/20/2016	online	Pierce County Bookkeeping	October Invoice 558	(247.50)	6,912.20
Check	11/21/2016	online	Marilyn Paja	L31RW-5N44C	(1,050.00)	5,862.20
Check	11/21/2016	online	AOC	L31SG-2GWQ7	(2,019.31)	3,842.89
Check	11/21/2016	online	Susanna Neil Kanther-Raz	L31SS-6Y4QC	(300.00)	3,542.89
Check	11/23/2016	online	Thurston County District Court	L37VL-QNTTM	(135.58)	3,407.31
Check	11/29/2016	online	Michelle Szambelan	L3VTZ-7686M	(439.22)	2,968.09
Check	11/29/2016	online	Ingallina's Box Lunch	L3VV6-BV7N4	(332.28)	2,635.81
Check	12/12/2016	online	Ingallina's Box Lunch	L5982-5PWJ7	(365.51)	2,270.30
Check	12/12/2016	online	Ingallina's Box Lunch	L59ND-4P31H	(328.72)	1,941.58
Check	12/14/2016	online	Melanie Stewart	L5H9J-LOS3Y	(2,000.00)	(59.42)
Check	12/14/2016	online	Judy Jasprica	L5H96-3QYN2	(13.50)	(71.92)
Check	12/14/2016	online	Lisa O'Toole	L5H92-F7XB4	(12.64)	(84.56)
Check	12/14/2016	online	Kevin McCann	L5H9P-FMC55	(23.76)	(108.32)
Check	12/14/2016	online	Kelley Otwell	L5H9T-NMZ1B	(172.80)	(281.12)
Check	12/14/2016	online	Timothy Jenkins	L5HB0-6FH81	(9.72)	(290.84)
Check	12/14/2016	online	Douglas B. Robinson	L5HB3-32C5B	(121.56)	(412.40)
Check	12/15/2016	online	Tracy A. Staab	L5M94-7L6G1	(102.50)	(514.90)
Check	12/19/2016	online	Pierce County Bookkeeping	November Invoice 565	(416.25)	(931.15)
Deposit	01/02/2017			Deposit Check from County of Spokane	8,000.00	7,068.85
Check	01/04/2017	online	Dino W Traverso, PLLC	L7MDP-BV860	(500.00)	6,568.85
Check	01/04/2017	online	AOC	L7MFC-1MR8W	(2,988.35)	3,580.50
Check	01/04/2017	online	C. Scott Marinella		(574.30)	3,006.20
Check	01/04/2017	online	Susanna Neil Kanther-Raz		(600.00)	2,406.20
Check	01/12/2017	online	The Chrysalis Inn	LBVF7X-VC2YC	(275.00)	2,131.20
Check	01/23/2017	online	AOC		(890.84)	1,240.36
Check	01/25/2017	online	Samuel G. Meyer	L9SRX-HV1Q4	(53.50)	1,186.86
Check	01/25/2017	online	Kevin Ringus	L9SS2-1F4LN	(21.40)	1,165.46
Check	01/25/2017	online	Michael J. Lambo	L9SS7-12DVB	(27.82)	1,137.64
Check	01/25/2017	online	Douglas Fair	L9SSC-DB6P1	(32.10)	1,105.54
Check	01/25/2017	online	Scott Ahlf	L9SSJ-36Z7F	(53.50)	1,052.04
Check	01/25/2017	online	Linda Coburn	L9ST9-BRR2J	(33.12)	1,018.92
Check	01/25/2017	online	Rick Leo	L9STW-KBRXN	(24.98)	993.94
Check	01/25/2017	online	Charles Short	L9STK-B5SMH	(107.37)	886.57
Check	01/25/2017	online	Scott Ahlf	L9STG-36HSC	(64.20)	822.37
Check	01/25/2017	online	Charles Short	L9ST3-BMB63	(102.38)	719.99
Check	01/25/2017	online	Charles Short	L9ST0-5NT2R	(362.58)	357.41

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Type	Date	Num	Name	Memo	Amount	Balance
					(32.40)	325.01
Check	01/30/2017	online	Linda Coburn	LB84T-K3NN1		88.76
Check	01/31/2017	online	Pierce County Bookkeeping	December Invoice 570	(236.25)	163.75
Deposit	02/02/2017			Deposit	75.00	5,003.75
Deposit	02/04/2017			Deposit	5,600.00	9,365.40
Deposit	02/11/2017			Deposit	3,721.64	47,735.40
Check	02/13/2017	online	Thurston County District Court	Deposit	35,350.00	47,599.15
Check	02/14/2017	online	Michelle Gehlsen	LCP1J-8R7JR	(136.25)	47,568.12
Check	02/14/2017	online	Michael J. Lambo	LCRY5-8M20C	(31.03)	47,542.44
Check	02/14/2017	online	Samuel G. Meyer	LCRYX-K6XJW	(25.68)	47,488.94
Check	02/14/2017	online	Rick Leo	LCRXT-D8J50	(53.50)	47,463.98
Check	02/14/2017	online	Douglas Fair	LCRXF-MC4MW	(24.98)	47,431.86
Check	02/14/2017	online	David A. Steiner	LCRY7-1FRR4	(32.10)	47,405.11
Check	02/14/2017	online	Douglas B. Robinson	LCRZK-NMTWD	(26.75)	47,381.11
Check	02/14/2017	online	Linda Coburn	LCRY9-HQ1RJ	(24.00)	47,346.87
Check	02/14/2017	online	Scott Ahlf	LCRYH-K2B9D	(34.24)	47,293.37
Check	02/14/2017	online	Ingallina's Box Lunch	LCRXB-66GZD	(53.50)	46,962.73
Check	02/15/2017	online	Scott Ahlf	LCRYN-ZPSH5	(330.64)	46,909.23
Deposit	02/16/2017			LCXJ2-4FTC0	(53.50)	58,134.23
Check	02/17/2017	Online	Pierce County Bookkeeping	Deposit	11,225.00	57,841.73
Check	03/01/2017	online	Susanna Neil Kanther-Raz	January invoice 581	(292.50)	57,541.73
Deposit	03/01/2017			LFLM8-RSRK2	(300.00)	57,568.48
Check	03/02/2017	online	Melanie Stewart	Deposit	26.75	55,568.48
Check	03/02/2017	online	Olympia Muni Court	LFQLN-S2MPN	(2,000.00)	53,568.48
Check	03/03/2017	online	AOC	LFQSB-7QGJD	(2,000.00)	51,841.95
Check	03/03/2017	online	Melanie Stewart	LF3NM-MX8QC	(1,726.53)	49,841.95
Check	03/03/2017	online	Pierce County Bookkeeping	February Invoice 585 LFQKV-2MD4S	(2,000.00)	49,279.45
Deposit	03/05/2017			Deposit	(662.50)	84,754.45
Check	03/06/2017	online	Melanie Stewart	Deposit	35,475.00	82,754.45
Check	03/07/2017	online	Susanna Neil Kanther-Raz	LG3FK-XW4NZ	(2,000.00)	82,104.45
Check	03/07/2017	online	Kent Municipal Court		(650.00)	80,844.45
Deposit	03/07/2017			Deposit	(1,260.00)	88,344.45
Transfer	03/09/2017			Funds Transfer	7,500.00	28,344.45
Check	03/09/2017	online	Janet Garrow		(86.89)	28,257.56
Check	03/14/2017	online	David A. Steiner		(26.75)	28,230.81
Check	03/14/2017	online	Thurston County District Court	for Paul D Wohl	(626.74)	27,604.07
Check	03/14/2017	online	Thurston County District Court	Samuel Meyer LGY6Z-8QYY3	(1,662.19)	25,941.88
Check	03/14/2017	online	Michelle Gehlsen	LGY75-KF6TR	(29.96)	25,911.92
Check	03/14/2017	online	Douglas Fair	LGYYB-76KCT	(32.10)	25,879.82
Check	03/14/2017	online	David A. Steiner	LGYYM-SD46Z	(26.75)	25,853.07
Check	03/14/2017	online	Michael Lambo	LGYYH-YK4JL	(25.68)	25,827.39
Check	03/14/2017	online	Samuel G. Meyer	LGYY5-80SH5	(53.50)	25,773.89
Check	03/14/2017	online	Scott Ahlf	LGYYX-BBBFJ	(53.50)	25,720.39
Check	03/14/2017	online	The Coast Gateway Hotel	LGYY81-NL2XL	(164.25)	25,556.14
Check	03/14/2017	online	Kent Municipal Court	LGYYD-441HD	(1,680.00)	23,876.14
Check	03/15/2017	online	Power Team Entertainment		(1,000.00)	22,876.14
Check	03/17/2017	online	Kevin Ringus	LH706-PNPZK	(21.40)	22,854.74
Check	03/17/2017	online	Douglas B. Robinson	LH706-PLH84	(96.67)	22,758.07
Check	03/17/2017	online	Rick Leo	LH706-PP171	(23.70)	22,734.37
Check	03/17/2017	online	Mary C. Logan	LH706-PNWGS	(18.56)	22,715.81
Deposit	03/22/2017			Deposit	4,400.00	27,115.81
Check	03/24/2017	online	Ramblin Jacks	LHXMX-RL40D	(462.40)	26,653.41
Check	03/24/2017	online	City of Bothell Muni Court	LHXMX-YS324	(1,917.50)	24,735.91
Check	03/24/2017	online	Robert Grim	LHXN4-F5M0H	(300.67)	24,435.24
Check	03/24/2017	online	Michelle Gehlsen	LHXN2-G45BN	(80.25)	24,354.99
Check	03/24/2017	online	Michelle Gehlsen	LHXND-N696V	(80.25)	24,274.74
Check	03/24/2017	online	Corinna Harn	LHXN9-RXQDS	(62.43)	24,222.31
Check	03/24/2017	online	Glenn Phillips	LHXN7-TJQTN	(48.15)	24,174.16
Check	03/24/2017	online	Wade Samuelson	LHXN6-PZ5T6	(26.75)	24,147.41
Deposit	03/27/2017			Deposit	1,250.00	25,397.41
Check	03/29/2017	online	Thurston County District Court	LJJ99-7GMQK	(81.75)	25,315.66
Check	03/29/2017	online	AOC	MS032817-00	(337.32)	24,978.34
Check	03/29/2017	online	Jackie Shea-Brown	LJJ86-58RXG	(134.30)	24,844.04
Check	03/29/2017	online	Susan Woodard	LJJ7X-5NQNJ	(141.95)	24,702.09
Check	03/29/2017	online	Lisa Worswick	LJJ7T-591CP	(220.09)	24,482.00
Check	03/29/2017	online	Timothy Jenkins	LJJ7R-89KV9	(217.92)	24,264.08
Check	03/29/2017	online	Marybeth Dingledy	LJJ7P-13V2J	(137.14)	24,126.94
Check	03/29/2017	online	Chris Culp	LJJ7K-JDVV5	(182.45)	23,944.49
Check	03/29/2017	online	Janet Garrow	LJJ7C-NX32Z1	(259.72)	23,684.77
Deposit	03/31/2017			Deposit	2,600.00	26,284.77
Check	03/31/2017	online	Susan L. Solan	LJN38-QLQBH	(53.50)	26,231.27
Check	03/31/2017	online	Franklin L. Dacca	LJN3N-RGDBJ	(18.05)	26,215.22
Check	03/31/2017	online	Steven Buzzard	LJN3N-RGP3Z	(106.00)	26,109.22
Check	04/05/2017	online	Melanie Stewart	LK50Z-YCQ5N	(2,000.00)	24,109.22
Check	04/14/2017	online	Cave B		(99.34)	24,009.88
Check	04/14/2017	online	Snohomish Co. District Court		(210.00)	23,799.88
Check	04/14/2017	online	Marybeth Dingledy		(86.14)	23,713.74
Deposit	04/14/2017			Deposit	1,476.00	25,189.74

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Type	Date	Num	Name	Memo	Amount	Balance
Check	04/21/2017	online	Douglas Fair	LLRYF-Q54HH	(32.10)	25,156.64
Check	04/21/2017	online	Douglas B. Robinson	LLRYF-Q9ZV7	(260.00)	24,896.64
Check	04/21/2017	online	Kevin Ringus	LLRYF-QBC10	(21.40)	24,875.24
Check	04/21/2017	online	Linda Coburn	LLRYF-QBKD2	(33.17)	24,842.07
Check	04/21/2017	online	Michelle Gehlsen	LLRYF-QBQVK	(29.96)	24,812.11
Check	04/21/2017	online	Rick Leo	LLRYF-QBWYY	(28.37)	24,783.74
Check	04/21/2017	online	Sahuel G. Meyer	LLRYF-QC78J	(53.60)	24,732.24
Check	04/21/2017	online	Scott Ahlf	LLRYF-QCF5Q	(53.50)	24,678.74
Deposit	04/24/2017			Deposit	250.00	24,928.74
Check	04/24/2017	online	Pierce County Bookkeeping	LLH55-TVGHG March Invoice	(360.00)	24,568.74
Total Bank of America - Checking					24,568.74	24,568.74
Bank of America - Savings						
Deposit	07/31/2016			Interest	0.40	0.40
Deposit	08/31/2016			Interest	0.40	0.80
Transfer	09/13/2016			Funds Transfer	(5,000.00)	(4,999.20)
Transfer	09/20/2016			Funds Transfer Confirmation Number 3547...	(7,000.00)	(11,999.20)
Deposit	09/30/2016			Interest	0.30	(11,998.90)
Transfer	10/26/2016			Funds Transfer	(7,000.00)	(18,998.90)
Transfer	10/26/2016			Funds Transfer	(2,000.00)	(20,998.90)
Deposit	10/31/2016			Interest	0.17	(20,998.73)
Transfer	11/07/2016			Funds Transfer	(2,000.00)	(22,998.73)
Check	11/30/2016			Service Charge	(5.00)	(23,003.73)
Deposit	11/30/2016			Interest	0.02	(23,003.71)
Deposit	12/31/2016			Interest	0.01	(23,003.70)
Check	12/31/2016			Service Charge	(5.00)	(23,008.70)
Check	01/31/2017			Service Charge	(5.00)	(23,013.70)
Deposit	01/31/2017			Interest	0.01	(23,013.69)
Deposit	02/23/2017			Deposit	25,150.00	2,136.31
Deposit	02/23/2017			Deposit	25,300.00	27,436.31
Deposit	02/27/2017			Deposit	11,800.00	39,236.31
Check	02/28/2017			Service Charge	(15.35)	39,220.96
Deposit	02/28/2017			Interest	0.07	39,221.03
Transfer	03/09/2017			Funds Transfer	60,000.00	99,221.03
Genera...	03/09/2017	CEH		refunded	15.35	99,236.38
Deposit	03/31/2017			Interest	1.82	99,238.20
Deposit	04/28/2017			Interest	2.02	99,240.22
Total Bank of America - Savings					99,240.22	99,240.22
US Bank - Savings						
Deposit	07/31/2016			Interest	8.52	8.52
Deposit	08/31/2016			Interest	8.52	17.04
Deposit	09/30/2016			Interest	8.25	25.29
Deposit	10/31/2016			Interest	8.52	33.81
Check	11/08/2016			Service Charge	(7.00)	26.81
Transfer	11/11/2016			Funds Transfer from US Bank	(30,000.00)	(29,973.19)
Deposit	11/30/2016			Interest	5.48	(29,967.71)
Deposit	12/31/2016			Interest	4.79	(29,962.92)
Deposit	01/31/2017			Interest	4.80	(29,958.12)
Deposit	02/28/2017			Interest	4.33	(29,953.79)
Deposit	03/31/2017			Interest	4.80	(29,948.99)
Total US Bank - Savings					(29,948.99)	(29,948.99)
Washington Federal						
Deposit	07/31/2016			Interest	3.82	3.82
Deposit	08/22/2016			Deposit	25.00	28.82
Deposit	08/31/2016			Interest	3.82	32.64
Deposit	09/30/2016			Interest	3.70	36.34
Genera...	12/31/2016	CEH			11.34	47.68
Genera...	01/31/2017	CEH			3.63	51.51
Deposit	02/01/2017			Deposit	425.00	476.51
Deposit	02/02/2017			Deposit	350.00	826.51
Deposit	02/04/2017			Deposit	375.00	1,201.51
Deposit	02/04/2017			Deposit	200.00	1,401.51
Deposit	02/11/2017			Deposit	725.00	2,126.51
Deposit	02/16/2017			Deposit	275.00	2,401.51
Deposit	02/23/2017			Deposit	925.00	3,326.51
Deposit	02/27/2017			Deposit	200.00	3,526.51
Deposit	02/28/2017			Interest	3.61	3,530.12
Genera...	03/01/2017	CEH		NSF Check	(25.00)	3,505.12
Deposit	03/05/2017			Deposit	200.00	3,705.12
Deposit	03/07/2017			Deposit	325.00	4,030.12
Deposit	03/22/2017			Deposit	125.00	4,155.12
Deposit	03/27/2017			Deposit	25.00	4,180.12
Deposit	03/31/2017			Deposit	225.00	4,405.12
Check	03/31/2017			Service Charge	(10.00)	4,395.12

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
				Interest	4.16	4,399.28
Deposit	03/31/2017			Deposit	175.00	4,574.28
Deposit	04/14/2017			Deposit	125.00	4,699.28
Deposit	04/21/2017			Deposit	300.00	4,999.28
Deposit	04/24/2017			Deposit	75.00	5,074.28
Deposit	04/28/2017			Deposit		
Total Washington Federal					5,074.28	5,074.28
Accumulated Depreciation					(9.58)	(9.58)
Genera...	07/31/2016	CEH			(9.58)	(19.16)
Genera...	08/31/2016	CEH			(9.58)	(28.74)
Genera...	09/30/2016	CEH			(9.58)	(38.32)
Genera...	10/31/2016	CEH			(9.58)	(47.90)
Genera...	11/30/2016	CEH			(9.58)	(57.48)
Genera...	12/31/2016	CEH			(9.58)	(67.06)
Genera...	01/31/2017	CEH			(9.58)	(76.64)
Genera...	02/28/2017	CEH			(9.58)	(86.22)
Genera...	03/31/2017	CEH			(9.58)	(95.80)
Genera...	04/28/2017	CEH				
Total Accumulated Depreciation					(95.80)	(95.80)
Prepaid Expenses						
Genera...	07/31/2016			1/12 of Contract	(3,083.33)	(3,083.33)
Genera...	08/31/2016			1/12 of Contract	(3,083.33)	(6,166.66)
Genera...	09/30/2016	CEH		1/12 of Contract	(3,083.33)	(9,249.99)
Genera...	10/31/2016	CEH		1/12 of Contract	(3,083.33)	(12,333.32)
Genera...	11/30/2016	CEH		1/12 of Contract	(3,083.33)	(15,416.65)
Genera...	12/31/2016	CEH		1/12 of Contract	(3,083.33)	(18,499.98)
Genera...	01/31/2017	CEH		1/12 of Contract	(3,083.33)	(21,583.31)
Genera...	02/28/2017	CEH		1/12 of Contract	(3,083.33)	(24,666.64)
Genera...	03/31/2017	CEH		1/12 of Contract	(3,083.33)	(27,749.97)
Genera...	04/28/2017	CEH		1/12 of Contract	(3,083.33)	(30,833.30)
Total Prepaid Expenses					(30,833.30)	(30,833.30)
Bank of America C. C.						
Credit ...	08/15/2016		Coast Gateway	Judge Short 4- Board Meeting	(213.31)	(213.31)
Credit ...	08/19/2016		Coast Gateway	Judge Short 14- Education committee	(213.31)	(426.62)
Transfer	08/31/2016			Funds Transfer	426.62	0.00
Credit ...	04/18/2017		Flowers To Go	flowers for Melanie Stewart	(84.97)	(84.97)
Total Bank of America C. C.					(84.97)	(84.97)
2017 Special Fund						
Deposit	02/01/2017	1147	Douglas B. Robinson	Deposit	(25.00)	(25.00)
Deposit	02/01/2017	1752	Sonya L. Langsdorf	Deposit	(25.00)	(50.00)
Deposit	02/01/2017	30517	Michael L. Everett	Deposit	(25.00)	(75.00)
Deposit	02/01/2017	2895	Donald W. Engel	Deposit	(25.00)	(100.00)
Deposit	02/01/2017	6495	John E. Maxwell	Deposit	(25.00)	(125.00)
Deposit	02/01/2017	12368	Kelley Olwell	Deposit	(25.00)	(150.00)
Deposit	02/01/2017	4718	Brett Buckley	Deposit	(25.00)	(175.00)
Deposit	02/01/2017	2564	David Ladanburg	Deposit	(25.00)	(200.00)
Deposit	02/01/2017	4787	Joseph Mano	Deposit	(25.00)	(225.00)
Deposit	02/01/2017	2012	Robert Grim	Deposit	(25.00)	(250.00)
Deposit	02/01/2017	6985	Edward McKenna	Deposit	(25.00)	(275.00)
Deposit	02/01/2017	2135	Charles Short	Deposit	(25.00)	(300.00)
Deposit	02/01/2017	11275	Laura Vanslyck	Deposit	(25.00)	(325.00)
Deposit	02/01/2017	3161	Lorrie Towers	Deposit	(25.00)	(350.00)
Deposit	02/01/2017	1758	Karli Jorgensen	Deposit	(25.00)	(375.00)
Deposit	02/01/2017	22287	Richard C. Fitterer	Deposit	(25.00)	(400.00)
Deposit	02/01/2017	22887	Christopher L. Bates	Deposit	(25.00)	(425.00)
Deposit	02/02/2017		Elizabeth E. Verhey	Deposit	(25.00)	(450.00)
Deposit	02/02/2017		William J. Stewart	Deposit	(25.00)	(475.00)
Deposit	02/02/2017		Alfred G. Schweepe	Deposit	(25.00)	(500.00)
Deposit	02/02/2017		Wade Samuelson	Deposit	(25.00)	(525.00)
Deposit	02/02/2017		Susan L. Solan	Deposit	(25.00)	(550.00)
Deposit	02/02/2017		Anne C. Harper	Deposit	(25.00)	(575.00)
Deposit	02/02/2017		Anthony E. Howard	Deposit	(25.00)	(600.00)
Deposit	02/02/2017		Darrel Ellis	Deposit	(25.00)	(625.00)
Deposit	02/02/2017		John Hagensen	Deposit	(25.00)	(650.00)
Deposit	02/02/2017		David M. Kenworthy	Deposit	(25.00)	(675.00)
Deposit	02/02/2017		Andrew Beall	Deposit	(25.00)	(700.00)
Deposit	02/02/2017		Samuel G. Meyer	Deposit	(25.00)	(725.00)
Deposit	02/02/2017		Rebecca Robertson	Deposit	(25.00)	(750.00)
Deposit	02/02/2017		Darvin Zimmerman	Deposit	(25.00)	(775.00)
Deposit	02/04/2017	6873	Francis Devilla	Deposit	(25.00)	(800.00)
Deposit	02/04/2017	9360	Gerald A. Caniglia	Deposit	(25.00)	(825.00)
Deposit	02/04/2017	9486	Steven T. Osborn	Deposit	(25.00)	(850.00)
Deposit	02/04/2017	5876	Marilyn Peja	Deposit	(25.00)	(875.00)

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/04/2017	8818	Elizabeth Penoyer	Deposit	(25.00)	(900.00)
Deposit	02/04/2017	1826	James Doctor	Deposit	(25.00)	(825.00)
Deposit	02/04/2017	12389	Victoria Meadows	Deposit	(25.00)	(950.00)
Deposit	02/04/2017	4196	Therese Murphy	Deposit	(25.00)	(975.00)
Deposit	02/04/2017	1614	Linda Coburn	Deposit	(25.00)	(1,000.00)
Deposit	02/04/2017	6961	Dan B Johnson	Deposit	(25.00)	(1,025.00)
Deposit	02/04/2017	3969	Janet Garrow	Deposit	(25.00)	(1,050.00)
Deposit	02/04/2017	12700	Stewart R. Andrew	Deposit	(25.00)	(1,075.00)
Deposit	02/04/2017	8270	Michelle Dimo Szambelan	Deposit	(25.00)	(1,100.00)
Deposit	02/04/2017	7933	Dale A. McBeth	Deposit	(25.00)	(1,125.00)
Deposit	02/04/2017	1257	John A. Miller	Deposit	(25.00)	(1,150.00)
Deposit	02/04/2017	2700	Gerald F. Roach	Deposit	(25.00)	(1,175.00)
Deposit	02/04/2017	8900	Lisa Leone	Deposit	(25.00)	(1,200.00)
Deposit	02/04/2017	9206	Howard F Delaney	Deposit	(25.00)	(1,225.00)
Deposit	02/04/2017	10689	Park D. Eng	Deposit	(25.00)	(1,250.00)
Deposit	02/04/2017	4496	Linda Portnoy	Deposit	(25.00)	(1,275.00)
Deposit	02/04/2017	8291	Tam Thi-Dang Bui	Deposit	(25.00)	(1,300.00)
Deposit	02/04/2017	3247	Tom Ellington	Deposit	(25.00)	(1,325.00)
Deposit	02/04/2017	4172	Michael Valerien	Deposit	(25.00)	(1,350.00)
Deposit	02/11/2017		Dennis H. Ball	Deposit	(25.00)	(1,375.00)
Deposit	02/11/2017		Brian D. Barlow	Deposit	(25.00)	(1,400.00)
Deposit	02/11/2017		Claire Bradley	Deposit	(25.00)	(1,425.00)
Deposit	02/11/2017		Karla Buttorff	Deposit	(25.00)	(1,450.00)
Deposit	02/11/2017		R. W. Buzzard	Deposit	(25.00)	(1,475.00)
Deposit	02/11/2017		Franklin L. Dacca	Deposit	(25.00)	(1,500.00)
Deposit	02/11/2017		Terrell S. Decker	Deposit	(25.00)	(1,525.00)
Deposit	02/11/2017		Karen Donohue	Deposit	(25.00)	(1,550.00)
Deposit	02/11/2017		Michael Finkle	Deposit	(25.00)	(1,575.00)
Deposit	02/11/2017		Roy Fore	Deposit	(25.00)	(1,600.00)
Deposit	02/11/2017		Douglas K. Garrison	Deposit	(25.00)	(1,625.00)
Deposit	02/11/2017		Jeffrey Goodman	Deposit	(25.00)	(1,650.00)
Deposit	02/11/2017		Tamara A. Hanton	Deposit	(25.00)	(1,675.00)
Deposit	02/11/2017		Noah Harrison	Deposit	(25.00)	(1,700.00)
Deposit	02/11/2017		John R. Henry	Deposit	(25.00)	(1,725.00)
Deposit	02/11/2017		Tyson R. Hill	Deposit	(25.00)	(1,750.00)
Deposit	02/11/2017		Jeff Jahns	Deposit	(25.00)	(1,775.00)
Deposit	02/11/2017		Sara L. McCulloch	Deposit	(25.00)	(1,800.00)
Deposit	02/11/2017		Lisa O'Toole	Deposit	(25.00)	(1,825.00)
Deposit	02/11/2017		Kristen L. Parcher	Deposit	(25.00)	(1,850.00)
Deposit	02/11/2017		Anthony Parise	Deposit	(25.00)	(1,875.00)
Deposit	02/11/2017		Mara J. Rozzano	Deposit	(25.00)	(1,900.00)
Deposit	02/11/2017		Scott C. Sage	Deposit	(25.00)	(1,925.00)
Deposit	02/11/2017		Tracy A. Staab	Deposit	(25.00)	(1,950.00)
Deposit	02/11/2017		Claire Sussman	Deposit	(25.00)	(1,975.00)
Deposit	02/11/2017		Gregory J. Tripp	Deposit	(25.00)	(2,000.00)
Deposit	02/11/2017		Michael S. Turner	Deposit	(25.00)	(2,025.00)
Deposit	02/11/2017		Phillip Van de Veer	Deposit	(25.00)	(2,050.00)
Deposit	02/11/2017		Thomas L. Verge	Deposit	(25.00)	(2,075.00)
Deposit	02/16/2017		Shane Seaman	Deposit	(25.00)	(2,100.00)
Deposit	02/16/2017		Kevin McCann	Deposit	(25.00)	(2,125.00)
Deposit	02/16/2017		Charles J. Delaurenti	Deposit	(25.00)	(2,150.00)
Deposit	02/16/2017		Brock D. Stiles	Deposit	(25.00)	(2,175.00)
Deposit	02/16/2017		Thomas Copland	Deposit	(25.00)	(2,200.00)
Deposit	02/16/2017		Edward Putka	Deposit	(25.00)	(2,225.00)
Deposit	02/16/2017		Douglas Fair	Deposit	(25.00)	(2,250.00)
Deposit	02/16/2017		Scott Bergstedt	Deposit	(25.00)	(2,275.00)
Deposit	02/16/2017		D. Mark Elde	Deposit	(25.00)	(2,300.00)
Deposit	02/16/2017		Steven Buzzard	Deposit	(25.00)	(2,325.00)
Deposit	02/16/2017		David A. Larson	Deposit	(25.00)	(2,350.00)
Deposit	02/23/2017	3423	Judith Mccauley	Deposit	(25.00)	(2,375.00)
Deposit	02/23/2017	7098	Brian Sanderson	Deposit	(25.00)	(2,400.00)
Deposit	02/23/2017	3910	Corinna Ham	Deposit	(25.00)	(2,425.00)
Deposit	02/23/2017		Donna Wilson	Deposit	(25.00)	(2,450.00)
Deposit	02/23/2017	6058	Ron Heslop	Deposit	(25.00)	(2,475.00)
Deposit	02/23/2017	3258	Steyen L. Michels	Deposit	(25.00)	(2,500.00)
Deposit	02/23/2017	2313	Terrance G. Lewis	Deposit	(25.00)	(2,525.00)
Deposit	02/23/2017		G. Scott Marinella	Deposit	(25.00)	(2,550.00)
Deposit	02/23/2017		Thomas L. Meyer	Deposit	(25.00)	(2,575.00)
Deposit	02/23/2017		David Christie	Deposit	(25.00)	(2,600.00)
Deposit	02/23/2017		Elizabeth D. Stephenson	Deposit	(25.00)	(2,625.00)
Deposit	02/23/2017		Douglas Smith	Deposit	(25.00)	(2,650.00)
Deposit	02/23/2017		David Meyer	Deposit	(25.00)	(2,675.00)
Deposit	02/23/2017		Sandra L. Allen	Deposit	(25.00)	(2,700.00)
Deposit	02/23/2017		Mark Chow	Deposit	(25.00)	(2,725.00)
Deposit	02/23/2017		Michael J. Lambo	Deposit	(25.00)	(2,750.00)
Deposit	02/23/2017		N. Scott Stewart	Deposit	(25.00)	(2,775.00)
Deposit	02/23/2017		Todd George	Deposit	(25.00)	(2,800.00)
Deposit	02/23/2017		L. Stephen Rochon	Deposit	(25.00)	(2,825.00)

Washington State District And Municipal Court Judges Assoc.

Transaction Detail by Account

July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/23/2017		Debra Lev	Deposit	(25.00)	(2,850.00)
Deposit	02/23/2017		Rick Leo	Deposit	(25.00)	(2,875.00)
Deposit	02/23/2017	6228	Daniel Kathren	Deposit	(25.00)	(2,900.00)
Deposit	02/23/2017	6720	Susan Woodard	Deposit	(25.00)	(2,925.00)
Deposit	02/23/2017		Patricia Connolly Walker	Deposit	(25.00)	(2,950.00)
Deposit	02/23/2017	5722	Adalia A. Hille	Deposit	(25.00)	(2,975.00)
Deposit	02/23/2017	4949	Katharine Butler	Deposit	(25.00)	(3,000.00)
Deposit	02/23/2017	10273	Glenn Phillips	Deposit	(25.00)	(3,025.00)
Deposit	02/23/2017	1574	Anita M. Crawford-Willis	Deposit	(25.00)	(3,050.00)
Deposit	02/23/2017	2860	Michael Bobbink	Deposit	(25.00)	(3,075.00)
Deposit	02/23/2017	2124	Michael A. Dunn	Deposit	(25.00)	(3,100.00)
Deposit	02/23/2017		John E Hart	Deposit	(25.00)	(3,125.00)
Deposit	02/23/2017		Robert Chung	Deposit	(25.00)	(3,150.00)
Deposit	02/23/2017	5734	Kevin Eilmes	Deposit	(25.00)	(3,175.00)
Deposit	02/23/2017	3161	Terry Jurado	Deposit	(25.00)	(3,200.00)
Deposit	02/23/2017		John Curry	Deposit	(25.00)	(3,225.00)
Deposit	02/23/2017	2560	John H. Doherty	Deposit	(25.00)	(3,250.00)
Deposit	02/23/2017		Judy Jasprica	Deposit	(25.00)	(3,275.00)
Deposit	02/27/2017	11757	Karen S. Wyninger	Deposit	(25.00)	(3,300.00)
Deposit	02/27/2017	9133	Maggie Ross	Deposit	(25.00)	(3,325.00)
Deposit	02/27/2017	13853	Vernon L. Schrelber	Deposit	(25.00)	(3,350.00)
Deposit	02/27/2017	3049	Janis Whitener-Moberg	Deposit	(25.00)	(3,375.00)
Deposit	02/27/2017	226	Melanie Dane	Deposit	(25.00)	(3,400.00)
Deposit	02/27/2017	17315	Kevin Roy	Deposit	(25.00)	(3,425.00)
Deposit	02/27/2017	100722....	Fred L. Gillings	Deposit	(25.00)	(3,450.00)
Deposit	02/27/2017	7313	Mark A. Chmielewski	Deposit	(25.00)	(3,475.00)
Genera...	03/01/2017	CEH		NSF Check	25.00	(3,460.00)
Deposit	03/05/2017	5669	Art Chapman	Deposit	(25.00)	(3,475.00)
Deposit	03/05/2017	17-532....	Vance Peterson	money order	(25.00)	(3,500.00)
Deposit	03/05/2017	5941	Kristian E. Hedline	Deposit	(25.00)	(3,525.00)
Deposit	03/05/2017	2002	Susan Adams	Deposit	(25.00)	(3,550.00)
Deposit	03/05/2017	2605	John O. Knowlton	Deposit	(25.00)	(3,575.00)
Deposit	03/05/2017	3140	Mary C. Logan	Deposit	(25.00)	(3,600.00)
Deposit	03/05/2017	1799	Jennifer L. Fassbender	Deposit	(25.00)	(3,625.00)
Deposit	03/05/2017		Adam C. Eisenberg	Deposit	(25.00)	(3,650.00)
Deposit	03/07/2017		Marcine Anderson	Deposit	(25.00)	(3,675.00)
Deposit	03/07/2017		Nancy A. Harmon	Deposit	(25.00)	(3,700.00)
Deposit	03/07/2017		David Ebenger	Deposit	(25.00)	(3,725.00)
Deposit	03/07/2017		Kathleen Hitchcock	Deposit	(25.00)	(3,750.00)
Deposit	03/07/2017		Kelli E. Osler	Deposit	(25.00)	(3,775.00)
Deposit	03/07/2017		Jeanette Lineberry	Deposit	(25.00)	(3,800.00)
Deposit	03/07/2017		Kris Kalno	Deposit	(25.00)	(3,825.00)
Deposit	03/07/2017		David M. Grant	Deposit	(25.00)	(3,850.00)
Deposit	03/07/2017		Diane Goddard	Deposit	(25.00)	(3,875.00)
Deposit	03/07/2017		Patricia L. Lyon	Deposit	(25.00)	(3,900.00)
Deposit	03/07/2017		Ketu Shah	Deposit	(25.00)	(3,925.00)
Deposit	03/07/2017		Willie Gregory	Deposit	(25.00)	(3,950.00)
Deposit	03/07/2017		Peter Nault	Deposit	(25.00)	(3,975.00)
Deposit	03/22/2017	1141	David L. Petersen	Deposit	(25.00)	(4,000.00)
Deposit	03/22/2017	2275	Jeffrey L. Tolman	Deposit	(25.00)	(4,025.00)
Deposit	03/22/2017	7034	Steven Clough	Deposit	(25.00)	(4,050.00)
Deposit	03/22/2017	1238	Kato Wilcox	Deposit	(25.00)	(4,075.00)
Deposit	03/22/2017	2964	Linda B. Kipling	Deposit	(25.00)	(4,100.00)
Deposit	03/27/2017	5311	Michelle Gehlsen	Deposit	(25.00)	(4,125.00)
Deposit	03/31/2017	4699	David A. Steiner	Deposit	(25.00)	(4,150.00)
Deposit	03/31/2017	1077	Jenifer Howson	Deposit	(25.00)	(4,175.00)
Deposit	03/31/2017	4654	Mary Lynch	Deposit	(25.00)	(4,200.00)
Deposit	03/31/2017	1641	Rick Porter	Deposit	(25.00)	(4,225.00)
Deposit	03/31/2017	9207	Randall L. Hansen	Deposit	(25.00)	(4,250.00)
Deposit	03/31/2017	12334	Stephen E. Moore	Deposit	(25.00)	(4,275.00)
Deposit	03/31/2017	6446	Debra Hayes	Deposit	(25.00)	(4,300.00)
Deposit	03/31/2017	1011	Kimberly Walden	Deposit	(25.00)	(4,325.00)
Deposit	03/31/2017	314498	Nancy R. McAllister	Deposit	(25.00)	(4,350.00)
Deposit	04/14/2017	3244	Timothy Jenkins	Deposit	(25.00)	(4,375.00)
Deposit	04/14/2017	4865	Aimee N. Maurer	Deposit	(25.00)	(4,400.00)
Deposit	04/14/2017	1159	Thomas J. Wynne	Deposit	(25.00)	(4,425.00)
Deposit	04/14/2017	2277	Faye R. Chess	Deposit	(25.00)	(4,450.00)
Deposit	04/14/2017	6877	Laurel Gibson	Deposit	(25.00)	(4,475.00)
Deposit	04/14/2017	1831	Pete Smiley	Deposit	(25.00)	(4,500.00)
Deposit	04/14/2017	1062	Thomas Brown	Deposit	(25.00)	(4,525.00)
Deposit	04/21/2017	1053	Jason Poydras	Deposit	(25.00)	(4,550.00)
Deposit	04/21/2017	1078	Damon G. Shadid	Deposit	(25.00)	(4,575.00)
Deposit	04/21/2017	1621	Donna Tucker	Deposit	(25.00)	(4,600.00)
Deposit	04/21/2017	1107	Warren Gilbert	Deposit	(25.00)	(4,625.00)
Deposit	04/21/2017	1613	Paul Wohl	Deposit	(25.00)	(4,650.00)
Deposit	04/24/2017	5625	Matt Elich	Deposit	(25.00)	(4,675.00)
Deposit	04/24/2017	1220	Roger Bennett	Deposit	(25.00)	(4,700.00)
Deposit	04/24/2017	8651	William H. Hawkins	Deposit	(25.00)	(4,725.00)

Washington State District And Municipal Court Judges Assoc.
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Type	Date	Num	Name	Memo	Amount	Balance
Deposit	04/24/2017	1658	Nathaniel Green	Deposit	(25.00)	(4,750.00)
Deposit	04/24/2017	3677	C. Kimi Kondo	Deposit	(25.00)	(4,775.00)
Deposit	04/24/2017	8163	David S. Hatch	Deposit	(25.00)	(4,800.00)
Deposit	04/24/2017	191300...	Susan Arb	Deposit	(25.00)	(4,825.00)
Deposit	04/24/2017	6443	Scott Ahif	Deposit	(25.00)	(4,850.00)
Deposit	04/24/2017	1282	Matthew York	Deposit	(25.00)	(4,875.00)
Deposit	04/24/2017	101	Chad E. Sleight	Deposit	(25.00)	(4,900.00)
Deposit	04/24/2017	2171	Terry Tanner	Benton County	(25.00)	(4,925.00)
Deposit	04/24/2017	2002	Gina Tveit	Deposit	(25.00)	(4,950.00)
Deposit	04/28/2017	4099	Elizabeth Bejarano	Deposit	(25.00)	(4,975.00)
Deposit	04/28/2017	5084	David Koss	Deposit	(25.00)	(5,000.00)
Deposit	04/28/2017	6421	Ronald Reyniar	Deposit	(25.00)	(5,025.00)
Total 2017 Special Fund					(5,025.00)	(5,025.00)
Interest Income						
Deposit	07/31/2016			Interest	(8.52)	(8.52)
Deposit	07/31/2016			Interest	(3.82)	(12.34)
Deposit	07/31/2016			Interest	(0.40)	(12.74)
Deposit	08/31/2016			Interest	(0.40)	(13.14)
Deposit	08/31/2016			Interest	(8.52)	(21.66)
Deposit	08/31/2016			Interest	(3.82)	(25.48)
Deposit	09/30/2016			Interest	(0.30)	(25.78)
Deposit	09/30/2016			Interest	(3.70)	(29.48)
Deposit	09/30/2016			Interest	(8.25)	(37.73)
Deposit	10/31/2016			Interest	(0.17)	(37.90)
Deposit	10/31/2016			Interest	(8.52)	(46.42)
Deposit	11/30/2016			Interest	(0.02)	(46.44)
Deposit	11/30/2016			Interest	(5.48)	(51.92)
Deposit	12/31/2016			Interest	(0.01)	(51.93)
Deposit	12/31/2016			Interest	(4.79)	(56.72)
Genera...	12/31/2016	CEH			(11.34)	(68.06)
Deposit	01/31/2017			Interest	(0.01)	(68.07)
Deposit	01/31/2017			Interest	(4.80)	(72.87)
Genera...	01/31/2017	CEH			(3.83)	(76.70)
Deposit	02/28/2017			Interest	(0.07)	(76.77)
Deposit	02/28/2017			Interest	(3.61)	(80.38)
Deposit	02/28/2017			Interest	(4.33)	(84.71)
Deposit	03/31/2017			Interest	(4.16)	(88.87)
Deposit	03/31/2017			Interest	(1.82)	(90.69)
Deposit	03/31/2017			Interest	(4.80)	(95.49)
Deposit	04/28/2017			Interest	(2.02)	(97.51)
Total Interest Income					(97.51)	(97.51)
Membership Revenue						
Deposit	01/02/2017	951109	Patti Connolly Walker	Deposit Check from County of Spokane	(1,000.00)	(1,000.00)
Deposit	01/02/2017	951109	Debra Hayes	Deposit Check from County of Spokane	(1,000.00)	(2,000.00)
Deposit	01/02/2017	951109	Richard M. Leland	Deposit Check from County of Spokane	(1,000.00)	(3,000.00)
Deposit	01/02/2017	951109	Aimee N. Maurer	Deposit Check from County of Spokane	(1,000.00)	(4,000.00)
Deposit	01/02/2017	951109	Vance Peterson	Deposit Check from County of Spokane	(1,000.00)	(5,000.00)
Deposit	01/02/2017	951109	Jeffrey R. Smith	Deposit Check from County of Spokane	(1,000.00)	(6,000.00)
Deposit	01/02/2017	951109	Gregory J. Tripp	Deposit Check from County of Spokane	(1,000.00)	(7,000.00)
Deposit	01/02/2017	951109	Donna Wilson	Deposit Check from County of Spokane	(1,000.00)	(8,000.00)
Deposit	02/02/2017		Pauli Treyz	Retired	(25.00)	(8,025.00)
Deposit	02/02/2017		Thomas Warren	Retired	(25.00)	(8,050.00)
Deposit	02/02/2017		David M. Kenworthy	Retired	(25.00)	(8,075.00)
Deposit	02/04/2017	3246	Thomas M. Ellington	Deposit	(250.00)	(8,325.00)
Deposit	02/04/2017	051884	Arthur Blauvelt III	Deposit	(250.00)	(8,575.00)
Deposit	02/04/2017	135706	Nancy R. McAllister	Deposit	(500.00)	(9,075.00)
Deposit	02/04/2017	68379	Terrell S. Decker	Deposit	(500.00)	(9,575.00)
Deposit	02/04/2017	3717220	Jeff Jahns	check from Kitsap County	(1,000.00)	(10,575.00)
Deposit	02/04/2017	3717220	Steve Holman	check from Kitsap County	(1,000.00)	(11,575.00)
Deposit	02/04/2017	3717220	Claire Bradley	check from Kitsap County	(1,000.00)	(12,575.00)
Deposit	02/04/2017	3717220	Marilyn Paja	check from Kitsap County	(1,000.00)	(13,575.00)
Deposit	02/11/2017		Andrew Beall	Deposit	(1,000.00)	(14,575.00)
Deposit	02/11/2017		Elizabeth Bejarano	Deposit	(500.00)	(15,075.00)
Deposit	02/11/2017		Roger Bennett	Deposit	(500.00)	(15,575.00)
Deposit	02/11/2017		Katharine Butler	Deposit	(1,000.00)	(16,575.00)
Deposit	02/11/2017		Gerald Caniglia	Deposit	(800.00)	(17,375.00)
Deposit	02/11/2017		Meianie Dane	Deposit	(250.00)	(17,625.00)
Deposit	02/11/2017		Howard F Delaney	Deposit	(400.00)	(18,025.00)
Deposit	02/11/2017		James Doctor	Deposit	(1,000.00)	(19,025.00)
Deposit	02/11/2017		Richard C. Fitterer	Deposit	(1,000.00)	(20,025.00)
Deposit	02/11/2017		Douglas K. Garrison	Deposit	(250.00)	(20,275.00)
Deposit	02/11/2017		Todd George	Deposit	(400.00)	(20,675.00)
Deposit	02/11/2017		Fred L. Gillings	Deposit	(1,000.00)	(21,675.00)
Deposit	02/11/2017		John Hagensen	Deposit	(1,000.00)	(22,675.00)
Deposit	02/11/2017		Tamara A. Hanton	Deposit	(400.00)	(23,075.00)

**Washington State District And Municipal Court Judges Assoc.
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Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/11/2017		Rick L. Hansen	Deposit	(500.00)	(23,578.00)
Deposit	02/11/2017		Tyson R. Hill	Deposit	(1,000.00)	(24,578.00)
Deposit	02/11/2017		Timothy Jenkins	Deposit	(500.00)	(25,078.00)
Deposit	02/11/2017		Karli Jorgensen	Deposit	(1,000.00)	(26,078.00)
Deposit	02/11/2017		Terry Jurado	Deposit	(1,000.00)	(27,078.00)
Deposit	02/11/2017		Daniel Kathren	Deposit	(1,000.00)	(28,078.00)
Deposit	02/11/2017		Sonya L. Langsdorf	Deposit	(1,000.00)	(29,078.00)
Deposit	02/11/2017		Lisa Leone	Deposit	(1,000.00)	(30,078.00)
Deposit	02/11/2017		Debra Lev	Deposit	(1,000.00)	(31,078.00)
Deposit	02/11/2017		Mary Logan	Deposit	(1,000.00)	(32,078.00)
Deposit	02/11/2017		Dale A. McBeth	Deposit	(500.00)	(32,578.00)
Deposit	02/11/2017		Judith Mccauley	Deposit	(1,000.00)	(33,578.00)
Deposit	02/11/2017		Sara L. McCulloch	Deposit	(500.00)	(34,078.00)
Deposit	02/11/2017		Victoria Meadows	Deposit	(1,000.00)	(35,078.00)
Deposit	02/11/2017		Steven L. Michels	Deposit	(250.00)	(35,328.00)
Deposit	02/11/2017		Kelley Oiwel	Deposit	(1,000.00)	(36,328.00)
Deposit	02/11/2017		Steven T Osborn	Deposit	(1,000.00)	(37,328.00)
Deposit	02/11/2017		Kelli E. Osler	Deposit	(1,000.00)	(38,328.00)
Deposit	02/11/2017		Kristen L. Parcher	Deposit	(800.00)	(39,128.00)
Deposit	02/11/2017		Elizabeth Penoyer	Deposit	(500.00)	(39,628.00)
Deposit	02/11/2017		Glenn Philips	Deposit	(1,000.00)	(40,628.00)
Deposit	02/11/2017		C. Scott Sage	Deposit	(250.00)	(40,878.00)
Deposit	02/11/2017		Vernon L. Schreiber	Deposit	(1,000.00)	(41,878.00)
Deposit	02/11/2017		Shane Seaman	Deposit	(200.00)	(42,078.00)
Deposit	02/11/2017		Pete Smiley	Deposit	(800.00)	(42,878.00)
Deposit	02/11/2017		Michelle Szambelan	Deposit	(1,000.00)	(43,878.00)
Deposit	02/11/2017		Terry Tanner	Deposit	(1,000.00)	(44,878.00)
Deposit	02/11/2017		Jeffrey L. Tolman	Deposit	(500.00)	(45,378.00)
Deposit	02/11/2017		Lorrie Towers	Deposit	(1,000.00)	(46,378.00)
Deposit	02/11/2017		Michael S. Turner	Deposit	(250.00)	(46,628.00)
Deposit	02/11/2017		Michael Valerien	Deposit	(800.00)	(47,428.00)
Deposit	02/11/2017		Phillip Van de Veer	Deposit	(500.00)	(47,928.00)
Deposit	02/11/2017		Janis Whitener-Moberg	Deposit	(1,000.00)	(48,928.00)
Deposit	02/11/2017		Susan Woodard	Deposit	(1,000.00)	(49,928.00)
Deposit	02/11/2017		Darvin Zimmerman	Deposit	(1,000.00)	(50,928.00)
Deposit	02/11/2017		Susan Adams	Deposit	(1,000.00)	(51,928.00)
Deposit	02/16/2017	455684	Warren Gilbert	Deposit	(1,000.00)	(52,928.00)
Deposit	02/16/2017	455684	Diane Goddard	Deposit	(1,000.00)	(53,928.00)
Deposit	02/16/2017	455684	Thomas L. Verge	Deposit	(1,000.00)	(54,928.00)
Deposit	02/16/2017	455684	Jenifer Howson	Deposit	(800.00)	(55,728.00)
Deposit	02/16/2017	324184	Thomas Brown	Deposit	(500.00)	(56,228.00)
Deposit	02/16/2017	327599	Douglas B. Robinson	Deposit	(1,000.00)	(57,228.00)
Deposit	02/16/2017		R. W. Buzzard	Deposit	(1,000.00)	(58,228.00)
Deposit	02/16/2017		Wade Samuelson	Deposit	(1,000.00)	(59,228.00)
Deposit	02/16/2017		Wendy S. Tripp	Deposit	(200.00)	(59,428.00)
Deposit	02/16/2017		Michael Roewe	Deposit	(200.00)	(59,628.00)
Deposit	02/16/2017		Scott Bergstedt	Retired	(25.00)	(59,653.00)
Deposit	02/16/2017	180776	Stewart R. Andrew	Deposit	(1,000.00)	(60,653.00)
Deposit	02/16/2017		Darrell Ellis	Kititas County	(500.00)	(61,153.00)
Deposit	02/16/2017		James E. Hurson.	Deposit	(1,000.00)	(62,153.00)
Deposit	02/16/2017		Tina Kernan	Deposit	(1,000.00)	(63,153.00)
Deposit	02/23/2017	1337597	Dan B Johnson	Deposit	(500.00)	(63,653.00)
Deposit	02/23/2017	572329	Thomas Copland	Deposit	(1,000.00)	(64,653.00)
Deposit	02/23/2017	572329	Kyle Imler	Deposit	(1,000.00)	(65,653.00)
Deposit	02/23/2017	47644	Therese Murphy	Deposit	(250.00)	(65,903.00)
Deposit	02/23/2017	269395	William J. Faubion	Deposit	(500.00)	(66,403.00)
Deposit	02/23/2017	9806697	Rick Porter	Deposit	(1,000.00)	(67,403.00)
Deposit	02/23/2017	523687	Linda B. Kipling	Deposit	(800.00)	(68,203.00)
Deposit	02/23/2017	523687	William H. Hawkins	Deposit	(1,000.00)	(69,203.00)
Deposit	02/23/2017	38177	John R. Henry	Deposit	(500.00)	(69,703.00)
Deposit	02/23/2017	2312	Terrance G. Lewis	Deposit	(250.00)	(69,953.00)
Deposit	02/23/2017	608547	John Olson	Deposit	(200.00)	(70,153.00)
Deposit	02/23/2017	608547	Michael J. Lambo	Deposit	(1,000.00)	(71,153.00)
Deposit	02/23/2017	87658	Mara J. Rozzano	Deposit	(250.00)	(71,403.00)
Deposit	02/23/2017	170532	G. Scott Marinella	Deposit	(500.00)	(71,903.00)
Deposit	02/23/2017	2077	John E Hart	Deposit	(250.00)	(72,153.00)
Deposit	02/23/2017	255756	David A. Larson	Deposit	(1,000.00)	(73,153.00)
Deposit	02/23/2017	255755	Rebecca Robertson	Deposit	(1,000.00)	(74,153.00)
Deposit	02/23/2017	400278...	Edward McKenna	Deposit	(1,000.00)	(75,153.00)
Deposit	02/23/2017	400278...	Anita M. Crawford-Willis	Deposit	(1,000.00)	(76,153.00)
Deposit	02/23/2017	400278...	C. Kimi Kondo	Deposit	(1,000.00)	(77,153.00)
Deposit	02/23/2017	400278...	Karen Donohue	Deposit	(1,000.00)	(78,153.00)
Deposit	02/23/2017	400278...	Damon G. Shadid	Deposit	(1,000.00)	(79,153.00)
Deposit	02/23/2017	400278...	Willie Gregory	Deposit	(1,000.00)	(80,153.00)
Deposit	02/23/2017	400278...	Adam C. Eisenberg	Deposit	(1,000.00)	(81,153.00)
Deposit	02/23/2017	400278...	Park D. Eng	Deposit	(800.00)	(81,953.00)
Deposit	02/23/2017	400278...	Francis Devilla	Deposit	(800.00)	(82,753.00)
Deposit	02/23/2017	400278...	Terri Luken	Deposit	(800.00)	(83,553.00)

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Type	Date	Num	Name	Memo	Amount	Balance
Deposit	02/23/2017	400278...	Robert Chung	Deposit	(800.00)	(84,350.00)
Deposit	02/23/2017	22367	David Hatch	Deposit	(250.00)	(84,600.00)
Deposit	02/23/2017	4266	Thomas Meyer	Deposit	(250.00)	(84,850.00)
Deposit	02/23/2017	157921	Jill Landes	Deposit	(1,000.00)	(85,850.00)
Deposit	02/23/2017	157921	Noah Harrison	Deposit	(200.00)	(86,050.00)
Deposit	02/23/2017		L. Stephen Rochon	Deposit	(250.00)	(86,300.00)
Deposit	02/23/2017	103569	Kevin Ringus	Deposit	(1,000.00)	(87,300.00)
Deposit	02/23/2017		Linda Coburn	Deposit	(1,000.00)	(88,300.00)
Deposit	02/23/2017	014446...	Brett Buckley	Deposit	(1,000.00)	(89,300.00)
Deposit	02/23/2017	014446...	Samuel G. Meyer	Deposit	(1,000.00)	(90,300.00)
Deposit	02/23/2017	014446...	Kalc Wilcox	Deposit	(1,000.00)	(91,300.00)
Deposit	02/23/2017	014446...	Paul Wohl	Deposit	(800.00)	(92,100.00)
Deposit	02/23/2017	796531	Nancy A. Harmon	Deposit	(1,000.00)	(93,100.00)
Deposit	02/23/2017	796531	Roy Fore	Deposit	(1,000.00)	(94,100.00)
Deposit	02/23/2017	001661...	N. Scott Stewart	Deposit	(1,000.00)	(95,100.00)
Deposit	02/23/2017	1343025	Judy Jasprica	Deposit	(1,000.00)	(96,100.00)
Deposit	02/23/2017	1343025	Maggie Ross	Deposit	(1,000.00)	(97,100.00)
Deposit	02/23/2017	1343025	James Heller	Deposit	(1,000.00)	(98,100.00)
Deposit	02/23/2017	1343025	Karia Buttorff	Deposit	(1,000.00)	(99,100.00)
Deposit	02/23/2017	1343025	Franklin L. Dacca	Deposit	(1,000.00)	(100,100.00)
Deposit	02/23/2017	1343025	Claire Sussman	Deposit	(1,000.00)	(101,100.00)
Deposit	02/23/2017	1343025	Kevin McCann	Deposit	(1,000.00)	(102,100.00)
Deposit	02/23/2017	1343025	Jeanette Lineberry	Deposit	(1,000.00)	(103,100.00)
Deposit	02/23/2017	182240	robert Hamilton	Deposit	(250.00)	(103,350.00)
Deposit	02/23/2017	001586...	Stephen E. Moore	Deposit	(1,000.00)	(104,350.00)
Deposit	02/23/2017	2859	Michael Bobbink	Deposit	(500.00)	(104,850.00)
Deposit	02/23/2017	2123	Michael A. Dunn	Deposit	(500.00)	(105,350.00)
Deposit	02/23/2017	3683729	Scott Ahlf	Deposit	(1,000.00)	(106,350.00)
Deposit	02/23/2017	534255	Tracy A. Staab	Deposit	(1,000.00)	(107,350.00)
Deposit	02/23/2017	000049...	David R. Koss	Deposit	(1,000.00)	(108,350.00)
Deposit	02/23/2017	000049...	Edward Pulka	Deposit	(1,000.00)	(109,350.00)
Deposit	02/23/2017	163172	Charles Short	Deposit	(1,000.00)	(110,350.00)
Deposit	02/23/2017	163172	Robert Grim	Deposit	(1,000.00)	(111,350.00)
Deposit	02/23/2017	185465	Brock D. Stiles	Deposit	(250.00)	(111,600.00)
Deposit	02/23/2017	055572	Susan L. Solan	Deposit	(500.00)	(112,100.00)
Deposit	02/23/2017		John Curry	Deposit	(250.00)	(112,350.00)
Deposit	02/23/2017	33760	Joseph Mano	Deposit	(250.00)	(112,600.00)
Deposit	02/23/2017	9806701	John H. Doherty	Deposit	(500.00)	(113,100.00)
Deposit	02/23/2017	75790	Linda S. Portney	Deposit	(500.00)	(113,600.00)
Deposit	02/27/2017	014257	Darrel Ellis	From City of Roslyn	(250.00)	(113,850.00)
Deposit	02/27/2017	209648	James M.B. Buzzard	Deposit	(250.00)	(114,100.00)
Deposit	02/27/2017	47434	Chancey C. Crowell	Deposit	(500.00)	(114,600.00)
Deposit	02/27/2017	208902	John A. Miller	Deposit	(250.00)	(114,850.00)
Deposit	02/27/2017	713410	Donald W. Engel	no form	(1,000.00)	(115,850.00)
Deposit	02/27/2017	713410	Alfred G. Schweepe	no form	(1,000.00)	(116,850.00)
Deposit	02/27/2017	713410	Kevin Eilmes	no form	(800.00)	(117,650.00)
Deposit	02/27/2017	713410	Kevin Roy	no form	(1,000.00)	(118,650.00)
Deposit	02/27/2017	713410	Brian Sanderson	no form	(1,000.00)	(119,650.00)
Deposit	02/27/2017	920153...	To be Determined	Benton County	(800.00)	(120,450.00)
Deposit	02/27/2017	068956	Bronson Faul	Deposit	(500.00)	(120,950.00)
Deposit	02/27/2017	85382	John E. Maxwell	Deposit	(250.00)	(121,200.00)
Deposit	02/27/2017	1362681	David Landenburg	Deposit	(1,000.00)	(122,200.00)
Deposit	02/27/2017	1362681	Elizabeth E. Verhey	Deposit	(1,000.00)	(123,200.00)
Deposit	02/27/2017	1362681	Dennis H. Ball	Deposit	(800.00)	(124,000.00)
Deposit	02/27/2017	1362681	Drew Henke	Deposit	(1,000.00)	(125,000.00)
Deposit	02/27/2017	1362681	Randall L. Hansen	Deposit	(400.00)	(125,400.00)
Deposit	03/05/2017	1070	Richard White	retired member	(25.00)	(125,425.00)
Deposit	03/05/2017	026324	Steven Buzzard	City of Winlock	(250.00)	(125,675.00)
Deposit	03/05/2017	81153	Kris Kaino	City of Longbeach	(250.00)	(125,925.00)
Deposit	03/05/2017	1798	Jennifer L. Fassbender	Deposit	(250.00)	(126,175.00)
Deposit	03/05/2017	60889	Sandra L. Allen	City of Milton	(400.00)	(126,575.00)
Deposit	03/05/2017	1128554	Adalia A. Hille	Adams County	(500.00)	(127,075.00)
Deposit	03/05/2017	150619...	Marcine Anderson	King County District Court	(1,000.00)	(128,075.00)
Deposit	03/05/2017	150619...	Arthur Chapman	King County District Court	(1,000.00)	(129,075.00)
Deposit	03/05/2017	150619...	Mark Chow	King County District Court	(1,000.00)	(130,075.00)
Deposit	03/05/2017	150619...	David Christie	King County District Court	(1,000.00)	(131,075.00)
Deposit	03/05/2017	150619...	Charles J. Delaurenti	King County District Court	(1,000.00)	(132,075.00)
Deposit	03/05/2017	150619...	D. Mark Eide	King County District Court	(1,000.00)	(133,075.00)
Deposit	03/05/2017	150619...	Michael Finkle	King County District Court	(1,000.00)	(134,075.00)
Deposit	03/05/2017	150619...	Janet Garrow	King County District Court	(1,000.00)	(135,075.00)
Deposit	03/05/2017	150619...	Laurel Gibson	King County District Court	(1,000.00)	(136,075.00)
Deposit	03/05/2017	150619...	Nathaniel Green	King County District Court	(1,000.00)	(137,075.00)
Deposit	03/05/2017	150619...	Corinna Harn	King County District Court	(1,000.00)	(138,075.00)
Deposit	03/05/2017	150619...	Anne C. Harper	King County District Court	(1,000.00)	(139,075.00)
Deposit	03/05/2017	150619...	Greg Hirakawa	King County District Court	(1,000.00)	(140,075.00)
Deposit	03/05/2017	150619...	Susan Mahoney	King County District Court	(1,000.00)	(141,075.00)
Deposit	03/05/2017	150619...	David Meyer	King County District Court	(1,000.00)	(142,075.00)
Deposit	03/05/2017	150619...	Peter Nault	King County District Court	(1,000.00)	(143,075.00)

**Washington State District And Municipal Court Judges Assoc.
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Type	Date	Num	Name	Memo	Amount	Balance
Deposit	03/05/2017	150619...	Lisa O'Toole	King County District Court	(1,000.00)	(144,075.00)
Deposit	03/05/2017	150619...	Lisa Paglisotti	King County District Court	(1,000.00)	(145,075.00)
Deposit	03/05/2017	150619...	Ketu Shah	King County District Court	(1,000.00)	(146,075.00)
Deposit	03/05/2017	150619...	Douglas Smith	King County District Court	(1,000.00)	(147,075.00)
Deposit	03/05/2017	150619...	David Steiner	King County District Court	(1,000.00)	(148,075.00)
Deposit	03/05/2017	150619...	Elizabeth D. Stephenson	King County District Court	(1,000.00)	(149,075.00)
Deposit	03/06/2017	150619...	Donna Tucker	King County District Court	(1,000.00)	(150,075.00)
Deposit	03/05/2017	150619...	Vacant	King County Vacant	(1,000.00)	(151,075.00)
Deposit	03/05/2017	150619...	Vacant	King County Vacant	(1,000.00)	(152,075.00)
Deposit	03/05/2017	194022...	Tam Thi-Dang Bui	Snohomish County	(1,000.00)	(153,075.00)
Deposit	03/05/2017	194022...	Steven Clough	Snohomish County	(1,000.00)	(154,075.00)
Deposit	03/05/2017	194022...	Douglas Fair	Snohomish County	(1,000.00)	(155,075.00)
Deposit	03/05/2017	194022...	Elizabeth A. Fraiser	Snohomish County	(1,000.00)	(156,075.00)
Deposit	03/05/2017	194022...	Jeffrey Goodman	Snohomish County	(1,000.00)	(157,075.00)
Deposit	03/05/2017	194022...	Anthony E Howard	Snohomish County	(1,000.00)	(158,075.00)
Deposit	03/05/2017	194022...	Rick Leo	Snohomish County	(800.00)	(158,875.00)
Deposit	03/05/2017	194022...	Kristen Oibrechts	Snohomish County	(1,000.00)	(159,875.00)
Deposit	03/05/2017	194022...	Patricia L. Lyon	Snohomish County	(1,000.00)	(160,875.00)
Deposit	03/07/2017	062247	Kathleen Hitchcock	City of Granger	(250.00)	(161,125.00)
Deposit	03/07/2017		David Ebenger	Deposit	(250.00)	(161,375.00)
Deposit	03/07/2017	530031	Thomas J. Wynne	Everett Municipal	(1,000.00)	(162,375.00)
Deposit	03/07/2017	530031	Laura Vanslyck	Everett Municipal	(250.00)	(163,375.00)
Deposit	03/07/2017	086385	William J. Stewart	City of Hoquiam	(250.00)	(163,625.00)
Deposit	03/07/2017	75786	Ron Heslop	Bonney Lake	(1,000.00)	(164,625.00)
Deposit	03/07/2017	000268...	Jeffrey J. Baker	West Kilcikit District Court	(500.00)	(165,125.00)
Deposit	03/07/2017	66439	Marjorie Tedrick	Buckley Municipal	(250.00)	(165,375.00)
Deposit	03/07/2017	137821	Terri K. Cooper	City of Cheney	(200.00)	(165,675.00)
Deposit	03/07/2017	1021493	David Grant	Whatcom County	(1,000.00)	(166,675.00)
Deposit	03/07/2017	1021493	Matt Elich	Whatcom County	(1,000.00)	(167,675.00)
Deposit	03/07/2017	1021493	Anthony Parise	Whatcom County	(800.00)	(168,375.00)
Deposit	03/22/2017	52152	Christopher L. Bates	City of Montesano	(250.00)	(168,625.00)
Deposit	03/22/2017	000743	Kimberly Walden	City of Tuckwila	(500.00)	(169,125.00)
Deposit	03/22/2017		Jerry Roach	City of Franklin County	(1,000.00)	(170,125.00)
Deposit	03/22/2017	038170	Darrel R. Ellis	City of Cle Elum No membership report	(250.00)	(170,375.00)
Deposit	03/22/2017	138336	Michelle Gehlsen	City of Bothell	(500.00)	(170,875.00)
Deposit	03/22/2017	159726	Ronald Reynier	Skamania County	(500.00)	(171,375.00)
Deposit	03/22/2017	159726	Karen S. Wyninger	Skamania County	(400.00)	(171,775.00)
Deposit	03/22/2017	214920	David L. Petersen	City of Pasco	(500.00)	(172,275.00)
Deposit	03/22/2017	136867	?	City of Bothell	(500.00)	(172,775.00)
Deposit	03/27/2017	001068	Kristian E. Hedine	Walla Walla County	(1,000.00)	(173,775.00)
Deposit	03/27/2017	001068	John O. Knowlton	Walla Walla County	(250.00)	(174,025.00)
Deposit	03/31/2017	2017	Gina Tveit	Deposit	(1,000.00)	(175,025.00)
Deposit	03/31/2017	400279...	Mary Lynch	City of Seattle	(600.00)	(175,625.00)
Deposit	03/31/2017	400279...	Faye R. Chess	City of Seattle	(800.00)	(176,625.00)
Deposit	04/14/2017	8221	Stephen R. Shelton	Retired	(25.00)	(176,650.00)
Deposit	04/14/2017	1366236	Chad E. Sleight	Clark County	(1,000.00)	(177,650.00)
Deposit	04/14/2017	9910055	Dan LeBeau	Colto Municipal Court	(250.00)	(177,900.00)
Deposit	04/14/2017	9809255	Larry Freedman	Clallam County	(200.00)	(178,100.00)
Deposit	04/24/2017	32618	Susan Arb	City of Moxee	(250.00)	(178,350.00)
Total Membership Revenue					(178,350.00)	(178,350.00)
Pro-Tem						
Check	03/02/2017	online	Olympia Muni Court	LFQSB-7QGJD	2,000.00	2,000.00
Check	03/07/2017	online	Kent Municipal Court	LQ7XJ-VZXVK	1,260.00	3,260.00
Check	03/14/2017	online	Thurston County District Court	for Paul D Wohl	109.00	3,369.00
Check	03/14/2017	online	Thurston County District Court	for Paul D Wohl	109.00	3,478.00
Check	03/14/2017	online	Thurston County District Court	LGy67-MWV41	299.74	3,777.74
Check	03/14/2017	online	Thurston County District Court	for Paul D Wohl	109.00	3,886.74
Check	03/14/2017	online	Thurston County District Court	2-22	299.74	4,186.48
Check	03/14/2017	online	Thurston County District Court	2-15	245.24	4,431.72
Check	03/14/2017	online	Thurston County District Court	2-16	364.24	4,795.96
Check	03/14/2017	online	Thurston County District Court	2-21	245.24	5,031.20
Check	03/14/2017	online	Thurston County District Court	2-23	217.99	5,249.19
Check	03/14/2017	online	Thurston County District Court	2-14	299.74	5,548.93
Check	03/14/2017	online	Thurston County District Court	glenn Phillips	1,680.00	7,228.93
Check	03/14/2017	online	Kent Municipal Court	LHXMK-YS324	1,917.50	9,146.43
Check	03/24/2017	online	City of Bothell Muni Court	LL18Y-ZDD09	210.00	9,356.43
Check	04/14/2017	online	Snohomish Co. District Court			
Total Pro-Tem					9,356.43	9,356.43

**Washington State District And Municipal Court Judges Assoc.
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Type	Date	Num	Name	Memo	Amount	Balance
Prior Year Budget Expense						
Deposit	07/01/2016			returned bill pay from 3-1-16	(24.84)	(24.84)
Check	07/19/2016	online	Michelle Gehlsen	June (prior budget expense)	2,000.00	1,975.16
Check	08/15/2016	online	Melanie Stewart	KS0Y9-WB9XK date 6-5-16	144.97	2,120.13
Check	08/15/2016	online	David A. Svaren	April & May KS0Y9-WJCP0	600.00	2,720.13
Check	08/15/2016	online	Susanna Neil Kanther-Raz	6/30/16 Invoice 10833 for work ending on ...	875.00	3,595.13
Check	08/16/2016	online	Dino W Traverso, PLLC	June Invoice KS7CX-RJV50	300.00	3,895.13
Check	08/17/2016	online	Susanna Neil Kanther-Raz	From the SCJA (refund of DMCJA remaini...	(1,283.28)	2,611.85
Deposit	08/22/2016	10751	Superior Court Judges Association	special fund	(25.00)	2,586.85
Deposit	08/22/2016		Victoria Meadows	KTRXS-KJLJFY	494.84	3,081.49
Check	09/02/2016	online	Superior Court Judges Association	KWSBR-W30F3	1,903.64	4,985.13
Check	09/20/2016	online	AOC	LOGD3-QS7MC	831.32	5,816.45
Check	10/26/2016	online	Administrative Office of the Courts			
Check	01/30/2017	online	Linda Coburn	Check reissued	32.40	5,848.85
Total Prior Year Budget Expense					5,848.85	5,848.85
4 - Board Meeting Expense						
Check	07/19/2016	online	AOC		205.77	205.77
Check	07/19/2016	online	Michael Lambo		134.97	340.74
Check	07/19/2016	online	AOC	retreat expense	112.03	452.77
Check	08/15/2016	online	Douglas B. Robinson	KS0Y9-WGKBN date 7-18-16	208.32	661.09
Check	08/15/2016	online	G. Scott Marinella	KS0Y9-WH991 date 7-14-16	660.34	1,321.43
Check	08/15/2016	online	Michael Finkle	date 7-14-16 KS0Y9-WHTF6	74.04	1,395.47
Check	08/15/2016	online	Michelle Gehlsen	7-29-16 KS0Y9-WHTF6	81.00	1,476.47
Credit ...	08/15/2016		Coast Gateway	Judge Short	213.31	1,689.78
Check	08/17/2016	online	Ingallina's Box Lunch	KS7D9-2N7Y8	440.30	2,130.08
Check	08/18/2016	online	Rick Leo	KS0Y0-WJ74G	103.52	2,233.60
Check	08/22/2016	online	Joseph Burrowes	KSR5J-KF1ZH	25.20	2,258.80
Check	08/22/2016	online	Joseph Burrowes	KSR5J-KF1ZH	38.20	2,297.00
Check	08/22/2016	online	Michelle Gehlsen		24.84	2,321.84
Check	08/22/2016	online	Samuel G. Meyer	KSR5J-KJXJC	54.00	2,375.84
Check	08/22/2016	online	Scott Ahlf	KSR5J-KK4TR	54.00	2,429.84
Check	08/22/2016	online	Kevin Ringus	KSRT1-BP9K2	21.60	2,451.44
Check	08/22/2016	online	Tracy A. Staab	KSRTG-D21GW	153.90	2,605.34
Check	08/22/2016	online	Douglas B. Robinson	KSRTS-37JSC	96.00	2,701.34
Check	08/22/2016	online	Michael Finkle	KSRTS-37JSC	18.36	2,719.70
Check	08/22/2016	online	G. Scott Marinella	KSRTZ-Z0KTN	79.20	2,798.90
Check	08/22/2016	online	David A. Steiner	KSRV3-7XM21	18.74	2,815.64
Check	08/22/2016	online	Karen Donohue	KSRTB-L50CF	21.60	2,837.24
Check	08/22/2016	online	Mary C. Logan	KSRTB-L58Y6	18.64	2,855.88
Check	08/22/2016	online	Michael J. Lambo	KSRTB-L5DTH	26.92	2,881.80
Check	08/22/2016	online	Rick Leo	KSRTB-L5P19	24.18	2,905.98
Check	09/20/2016	online	Joseph Burrowes	KWP5K-2VX09	41.40	2,947.38
Check	09/20/2016	online	Douglas B. Robinson	KWP6W-2ZSJL	91.80	3,039.18
Check	09/20/2016	online	G. Scott Marinella	KWS3C-KQWH3	239.12	3,278.30
Check	09/20/2016	online	Karen Donohue	KWS3L-XTF63	142.52	3,420.82
Check	09/20/2016	online	Wade Samuelson	KWS3S-26R0W	83.16	3,503.98
Check	09/20/2016	online	Charles Short	KWS3Z-WG1NC	388.35	3,892.33
Check	09/20/2016	online	Michelle Gehlsen	KWS46-H0FDB	109.52	4,001.85
Check	09/20/2016	online	Michael J. Lambo	KWS4C-86NG3	138.52	4,140.37
Check	09/20/2016	online	AOC	KWSBR-W30F3	2,452.23	6,592.60
Check	09/20/2016	online	Linda Coburn	KWX0G-F9TDB	22.00	6,614.60
Check	09/28/2016	online	Judy Jasprica	KXGX6-W7WVC	154.52	6,769.12
Check	10/26/2016	online	Douglas B. Robinson	LOGFF-6H9Y7	24.00	6,793.12
Check	10/26/2016	online	Karen Donohue	LOGG2-8DQTX	21.60	6,814.72
Check	10/26/2016	online	Michelle Gehlsen	LOGG4-V53B0	24.84	6,839.56
Check	10/26/2016	online	Douglas Fair	LOGG7-3RFC1	32.40	6,871.96
Check	10/26/2016	online	Linda Coburn	LOGG9-LLD6L	33.48	6,905.44
Check	10/26/2016	online	Joseph Burrowes	LOGGL-N6KC5	25.20	6,930.64
Check	10/26/2016	online	Scott Ahlf	LOGGN-VBF3M	54.00	6,984.64
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	348.10	7,332.74
Check	10/26/2016	online	Samuel G. Meyer	LOGKB-F60XV	54.00	7,386.74
Check	10/26/2016	online	AOC	Sept Expenses	374.89	7,761.63
Check	11/04/2016	online	Edmond Muni Court	L1BWR-12Q52 Judge Coburn hotel room	109.52	7,871.15
Check	11/11/2016	online	David A. Steiner	L2255-3Q6D4	24.84	7,895.99
Check	11/11/2016	online	Kevin Ringus	L225G-X6GBZ	21.60	7,917.59
Check	11/11/2016	online	Michael J. Lambo	L225W-22W9M	25.92	7,943.51
Check	11/11/2016	online	Samuel G. Meyer	L225Y-WJ04X	54.00	7,997.51
Check	11/11/2016	online	Janet Garrow	L2266-DBQNN	14.04	8,011.55
Check	11/11/2016	online	Mary C. Logan	L226D-9QM1Q	19.18	8,030.73
Check	11/11/2016	online	Linda Coburn	L226H-BLSGD	34.56	8,065.29
Check	11/11/2016	online	Scott Ahlf	L226K-JZ0B8	179.02	8,244.31
Check	11/11/2016	online	Tracy A. Staab	L226P-HPBTZ	154.44	8,398.75
Check	11/21/2016	online	AOC	L31SG-2GWQ7	1,292.86	9,691.61
Check	11/29/2016	online	Ingallina's Box Lunch	L3VV8-BV7N4	332.28	10,023.89
Check	12/12/2016	online	Ingallina's Box Lunch	L5982-5PWJT	365.51	10,389.40
Check	12/15/2016	online	Tracy A. Staab	L5M94-7L6G1	102.50	10,491.90
Check	01/04/2017	online	AOC	L7MFC-1MR8W	1,811.26	12,303.16
Check	01/04/2017	online	C. Scott Marinella		410.20	12,713.36

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Type	Date	Num	Name	Memo	Amount	Balance
Check	01/12/2017	online	The Chrysalis Inn	LBVF7X-VC2YC	275.00	12,988.36
Check	01/23/2017	online	AOC		890.84	13,879.20
Check	01/25/2017	online	Samuel G. Meyer	L9SRX-HV1Q4	53.50	13,932.70
Check	01/25/2017	online	Kevin Ringus	L9SS2-1F4LN	21.40	13,954.10
Check	01/25/2017	online	Michael J. Lambo	L9SS7-12DVB	27.82	13,981.92
Check	01/25/2017	online	Douglas Fair	L9SSC-DB6P1	32.10	14,014.02
Check	01/25/2017	online	Scott Ahlf	L9SSJ-36Z7F	53.50	14,067.52
Check	01/25/2017	online	Linda Coburn	L9ST9-BRR2J	33.12	14,100.64
Check	01/25/2017	online	Rick Leo	L9STW-KBRXN	24.98	14,125.62
Check	01/25/2017	online	Charles Short	L9STK-B5SMH	107.37	14,232.99
Check	01/25/2017	online	Charles Short	L9ST3-BMB63	102.38	14,335.37
Check	02/14/2017	online	Michelle Gehlsen	LCRY5-8MZ0C	31.03	14,366.40
Check	02/14/2017	online	Michael J. Lambo	LCRXY-K6XJW	25.68	14,392.08
Check	02/14/2017	online	Samuel G. Meyer	LCRXT-DBJ50	53.50	14,445.58
Check	02/14/2017	online	Rick Leo	LCRXF-MC4MW	24.98	14,470.56
Check	02/14/2017	online	Douglas Fair	LCRY7-1FRR4	32.10	14,502.66
Check	02/14/2017	online	David A. Steiner	LCRZK-NMTWD	26.75	14,529.41
Check	02/14/2017	online	Douglas B. Robinson	LCRY9-HQ1RJ	24.00	14,553.41
Check	02/14/2017	online	Linda Coburn	LCRYH-K2B9D	34.24	14,587.65
Check	02/14/2017	online	Scott Ahlf	LCRXB-66GZD	53.50	14,641.15
Check	02/14/2017	online	Ingallina's Box Lunch	LCRYN-ZPSH5	330.64	14,971.79
Deposit	03/01/2017		David A. Steiner	returned - sent email to Judge Meyer to co...	(26.75)	14,945.04
Check	03/03/2017	online	AOC	Invoice MS021517-02	1,323.33	16,268.37
Check	03/14/2017	online	David A. Steiner	resent - address was incorrect	26.75	16,295.12
Check	03/14/2017	online	Michelle Gehlsen	LG75B-KF6TR	29.96	16,325.08
Check	03/14/2017	online	Douglas Fair	LG77B-76KCT	32.10	16,357.18
Check	03/14/2017	online	David A. Steiner	LG77M-SD46Z	26.75	16,383.93
Check	03/14/2017	online	Michael Lambo	LG77H-YK4JL	25.68	16,409.61
Check	03/14/2017	online	Samuel G. Meyer	LG77S-80SH5	53.50	16,463.11
Check	03/14/2017	online	Scott Ahlf	LG77X-BBBFJ	53.50	16,516.61
Check	03/17/2017	online	Kevin Ringus	LH706-PNPZK	21.40	16,538.01
Check	03/17/2017	online	Douglas B. Robinson	LH706-PLH84	96.67	16,634.68
Check	03/17/2017	online	Rick Leo	LH706-PP171	23.70	16,658.38
Check	03/17/2017	online	Mary C. Logan	LH706-PNWSG	18.56	16,676.94
Check	03/24/2017	online	Ramblyn Jacks	LHXMN-RL40D	462.40	17,139.34
Check	03/29/2017	online	AOC	MS032817-00	337.32	17,476.66
Check	04/21/2017	online	Douglas Fair	LLRYF-Q54HH	32.10	17,508.76
Check	04/21/2017	online	Douglas B. Robinson	LLRYF-Q9ZV7	260.00	17,768.76
Check	04/21/2017	online	Kevin Ringus	LLRYF-QBC10	21.40	17,790.16
Check	04/21/2017	online	Linda Coburn	LLRYF-QBKD2	33.17	17,823.33
Check	04/21/2017	online	Michelle Gehlsen	LLRYF-QBQVK	29.96	17,853.29
Check	04/21/2017	online	Rick Leo	LLRYF-QBWYY	26.37	17,879.66
Check	04/21/2017	online	Samuel G. Meyer	LLRYF-QC78J	53.50	17,933.16
Check	04/21/2017	online	Scott Ahlf	LLRYF-QCF5Q	53.50	17,986.66
Total 4 - Board Meeting Expense					17,986.66	17,986.66
5 - Bookkeeping Expense						
Check	09/07/2016	online	Pierce County Bookkeeping	KV8PR-SFVCZ July Invoice	160.00	150.00
Check	09/26/2016	online	Pierce County Bookkeeping	KWQB0-B7YC3 August Invoice	385.00	535.00
Check	10/31/2016	online	Pierce County Bookkeeping	LOFSG-5D1ZD September Invoice	225.00	760.00
Check	11/20/2016	online	Pierce County Bookkeeping	October invoice 558	247.50	1,007.50
Check	12/19/2016	online	Pierce County Bookkeeping	November Invoice 565	416.25	1,423.75
Check	01/04/2017	online	Dino W Traverso, PLLC	Invoice 10981 corp tax return	500.00	1,923.75
Check	01/31/2017	online	Pierce County Bookkeeping	December Invoice 570	236.25	2,160.00
Check	02/17/2017	Online	Pierce County Bookkeeping	January invoice 581	292.50	2,452.50
Check	03/03/2017	online	Pierce County Bookkeeping	February Invoice 585 LFQKV-2MD4S	582.50	3,035.00
Check	04/24/2017	online	Pierce County Bookkeeping	March Services Invoice 592	360.00	3,395.00
Total 5 - Bookkeeping Expense					3,375.00	3,375.00
7 - Conference Calls						
Check	09/20/2016	online	AOC	KWSBR-W30F3	8.82	8.82
Check	11/21/2016	online	AOC	L31SG-2GWQ7	117.05	125.87
Total 7 - Conference Calls					125.87	125.87
8 - Conference Committee						
Check	09/20/2016	online	AOC	KWSBR-W30F3	0.00	0.00
Check	03/15/2017	online	Power Team Entertainment		1,000.00	1,000.00
Total 8 - Conference Committee					1,000.00	1,000.00

**Washington State District And Municipal Court Judges Assoc.
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Type	Date	Num	Name	Memo	Amount	Balance
10 - Diversity Committee						
Check	08/15/2016	online	Ingallina's Box Lunch	KS0Y9-WHG7Q 7-19-16	271.56	271.56
Check	08/15/2016	online	The Deli	7-19-16	26.12	297.68
Check	09/07/2016	online	Charles Short	KVC5X-D2JT5	333.67	631.35
Check	09/20/2016	online	AOC	KWSBR-W30F3	287.20	918.55
Check	10/26/2016	online	Okanogan County District Court		619.36	1,537.91
Check	10/26/2016	online	Charles Short	LOGCO-LYHB9	243.55	1,781.46
Total 10 - Diversity Committee					1,781.46	1,781.46
11 - DMCJA/SCJA Sentencing Alt.						
Check	09/20/2016	online	AOC	KWSBR-W30F3	287.20	287.20
Check	11/21/2016	online	AOC	L31SG-2GWQ7	287.20	574.40
Check	03/14/2017	online	The Coast Gateway Hotel	LGY81-NL2XL	164.25	738.65
Total 11 - DMCJA/SCJA Sentencing Alt.					738.65	738.65
12 - DMCMA Liaison Committee						
Check	10/26/2016	online	AOC	L0GMC-K3KQX	339.20	339.20
Total 12 - DMCMA Liaison Committee					339.20	339.20
14 - Education Committee						
Credit ...	08/19/2016		Coast Gateway	Judge Short	213.31	213.31
Check	08/28/2016	online	Ingallina's Box Lunch	invoice 01-314026	31.97	245.28
Check	08/26/2016	online	Ingallina's Box Lunch	invoice 01-314025	206.79	452.07
Check	08/26/2016	online	Lisa O'Toole	KT54D-4JR8Z	12.74	464.81
Check	08/26/2016	online	Scott Stewart	KT64M-KPYG8	14.04	478.85
Check	08/26/2016	online	Timothy Jenkins	KT54V-902HK	9.72	488.57
Check	08/26/2016	online	Kevin McCann	KT54X-K8CD0	16.20	504.77
Check	08/26/2016	online	Karen Donohue	KT558-J07Q5	21.90	526.37
Check	08/26/2016	online	Kelley Olwell	KT545-9FK15	172.80	699.17
Check	08/29/2016	online	Roy Fore	KTG6F-436W9	168.48	867.65
Check	12/12/2016	online	Ingallina's Box Lunch	01-335619, 01-337329, 01-335621	328.72	1,196.37
Check	12/14/2016	online	Judy Jasprica	L5H96-3QYN2	13.50	1,209.87
Check	12/14/2016	online	Lisa O'Toole	L5H92-F7XB4	12.64	1,222.51
Check	12/14/2016	online	Kevin McCann	L5H9P-FMC55	23.76	1,246.27
Check	12/14/2016	online	Kelley Olwell	L5H9T-NM21B	172.80	1,419.07
Check	12/14/2016	online	Timothy Jenkins	L5H80-6FH81	9.72	1,428.79
Check	12/14/2016	online	Douglas B. Robinson	L5H83-32C5B	121.56	1,550.35
Check	01/25/2017	online	Charles Short	L9ST0-5NT2R	362.58	1,912.93
Total 14 - Education Committee					1,912.93	1,912.93
15 - Educational Grants						
Check	11/29/2016	online	Michelle Szambelan	L3VTZ-7686M	439.22	439.22
Total 15 - Educational Grants					439.22	439.22
16 - Education - PJ Conference						
Check	09/09/2016	online	Administrative Office of the Courts	KVLD4-BYG7H	15,000.00	15,000.00
Deposit	02/11/2017	914573J		Presiding Judges' Conference - Refund for ...	(3,721.64)	11,278.36
Total 16 - Education - PJ Conference					11,278.36	11,278.36
17 - Education - Security						
Check	01/04/2017	online	AOC	L7MFC-1MR8W	287.20	287.20
Total 17 - Education - Security					287.20	287.20
18 - Judicial Assistance Commit						
Deposit	08/22/2016	10753	Superior Court Judges Association	SCJA's 2016-2017 JASP contribution	(7,000.00)	(7,000.00)
Check	08/22/2016	online	Susanna Neil Kanther-Raz	KSRV7-5RS1D July	300.00	(6,700.00)
Check	09/20/2016	online	AOC	KWSBR-W30F3	436.35	(6,263.65)
Check	10/26/2016	online	Barbara Barnes	LOGB1-R9S8F	778.08	(5,485.57)
Check	10/26/2016	online	Michael Evans	LOGFZ-HH7T1	15.93	(5,469.64)
Check	10/26/2016	online	Susanna Neil Kanther-Raz	LOGHH-5SSPV	670.52	(4,799.12)
Check	10/26/2016	online	Ingallina's Box Lunch	LOGJ2-YCVVM	454.21	(4,344.91)
Check	10/26/2016	online	The Deli	LOGJ8-RP496	17.41	(4,327.50)
Check	10/26/2016	online	Marybeth Dingedy	LOGJS-9HX8C	38.88	(4,288.62)
Check	10/26/2016	online	Bruce Weiss	LOGK5-SJY21	44.28	(4,244.34)
Check	10/26/2016	online	Chris Culp	LOGKJ-9VVPB	161.00	(4,083.34)
Check	10/26/2016	online	Marilyn Haan	Incorrect address - resent 11-23-16	156.12	(3,927.22)
Check	10/26/2016	online	Mary C. Logan	LOGLO-6TXQW	9.40	(3,917.82)
Check	10/26/2016	online	James Doctor	LOGL5-HW441	64.40	(3,853.42)
Check	10/26/2016	online	Lisa Worswick	LOGLC-3QQ3C	10.26	(3,843.16)
Check	10/26/2016	online	Timothy Jenkins	LOGLH-YG9KB	9.72	(3,833.44)
Check	10/26/2016	online	Richard McDermott	LOGLS-2BJDP	27.00	(3,806.44)
Check	10/26/2016	online	AOC	LOGMC-K3KQX	1,006.60	(2,799.84)
Check	11/04/2016	online	Susan Woodard	L1BVL-PKB9H	61.00	(2,738.84)
Check	11/07/2016	online	Cave B	L224D-MBBDZ	2,326.32	(410.52)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
Check	11/21/2016	online	AOC	L31SG-2GWQ7	35.00	(375.52)
Check	11/21/2016	online	Susanna Neil Kanther-Raz	L31SS-5Y4QC	300.00	(75.52)
Check	01/04/2017	online	AOC	L7MFC-1MR8W	844.24	768.72
Check	01/04/2017	online	Susanna Neil Kanther-Raz		600.00	1,368.72
Check	03/01/2017	online	Susanna Neil Kanther-Raz	LFLM8-RSRK2	300.00	1,668.72
Check	03/07/2017	online	Susanna Neil Kanther-Raz	LG7X5-NL0SR	650.00	2,318.72
Check	03/29/2017	online	Jackie Shea-Brown	LJJ86-56RXG	134.30	2,453.02
Check	03/29/2017	online	Susan Woodard	LJJ7X-5NQQJN	141.95	2,594.97
Check	03/29/2017	online	Lisa Worswick	LJJ7T-591CP	220.09	2,815.06
Check	03/29/2017	online	Timothy Jenkins	LJJ7R-59KV9	217.92	3,032.98
Check	03/29/2017	online	Marybeth Dingley	LJJ7P-13V2J	137.14	3,170.12
Check	03/29/2017	online	Chris Culp	LJJ7K-JDVV5	182.45	3,352.57
Check	04/14/2017	online	Cave B		99.34	3,451.91
Check	04/14/2017	online	Marybeth Dingley	LL1TH-8VQWD	86.14	3,538.05
Total 18 - Judicial Assistance Commit					3,538.05	3,538.05
19 - Judicial Community Outreac						
Check	09/28/2016	online	Scott Ahif	KXGXJ-H8175	54.00	54.00
Check	10/26/2016	online	AOC	L0GMC-K3KQX	287.20	341.20
Total 19 - Judicial Community Outreac					341.20	341.20
20 - Legislative Committee						
Check	08/17/2016	online	Ingallina's Box Lunch	KS7D9-2N7Y 8-11-16	97.29	97.29
Check	08/31/2016	online	Melanie Stewart	KTW3M-8JBKN	54.00	151.29
Check	09/02/2016	online	Robert Grim	KV5GL-42DJ3	399.00	550.29
Check	09/20/2016	online	Samuel G. Meyer	KWPKK-GMKZM	54.00	604.29
Check	03/09/2017	online	Janet Garrow	LGT7F-C3NMO	86.89	691.18
Check	03/24/2017	online	Robert Grim	LHXN4-F5M0H	300.67	991.85
Check	03/24/2017	online	Michelle Gehlsen	LHXN2-G45BN	80.25	1,072.10
Check	03/24/2017	online	Michelle Gehlsen	LHXND-N696V	80.25	1,152.35
Check	03/24/2017	online	Corinna Ham	LHXN9-RXQDS	52.43	1,204.78
Check	03/24/2017	online	Glenn Philips	LHXN7-TJQTN	48.15	1,252.93
Check	03/24/2017	online	Wade Samuelson	LHXN6-PZ5T6	26.75	1,279.68
Check	03/29/2017	online	Janet Garrow	LJJ7C-NX32Z1	259.72	1,539.40
Check	03/31/2017	online	Susan L. Solan	LJN38-QLQBH	53.50	1,592.90
Total 20 - Legislative Committee					1,592.90	1,592.90
21 - Legislative Pro-Term						
Check	08/26/2016	online	Mary C. Logan	KT540-M43TH	42.00	42.00
Check	11/23/2016	online	Thurston County District Court	L37WL-QNTTM	135.58	177.58
Check	03/29/2017	online	Thurston County District Court	LJJ99-7GMQK	81.75	259.33
Total 21 - Legislative Pro-Term					259.33	259.33
22 - Lobbyist Contract						
Genera...	07/31/2016			1/12 of Contract	3,083.33	3,083.33
Check	08/15/2016	online	Melanie Stewart	July 7-8-16 invoice 4336 KS0Y9-WHG7Q	2,000.00	5,083.33
Genera...	08/31/2016			1/12 of Contract	3,083.33	8,166.66
Check	09/13/2016	online	Melanie Stewart	August invoice 4344 KW1VM-BWC66	2,000.00	10,166.66
Check	09/13/2016	online	Melanie Stewart	September invoice 4364 KW4YK-T7NN7	2,000.00	12,166.66
Genera...	09/30/2016	CEH		1/12 of Contract	3,083.33	15,249.99
Check	10/26/2016	online	Melanie Stewart	October invoice LOGH0-MD6RC	2,000.00	17,249.99
Genera...	10/31/2016	CEH		1/12 of Contract	3,083.33	20,333.32
Check	11/07/2016	online	Melanie Stewart	November Invoice 4384 L1NX7-8TZWN	2,000.00	22,333.32
Genera...	11/30/2016	CEH		1/12 of Contract	3,083.33	26,416.65
Check	12/14/2016	online	Melanie Stewart	December invoice 4390	2,000.00	27,416.65
Genera...	12/31/2016	CEH		1/12 of Contract	3,083.33	30,499.98
Genera...	01/31/2017	CEH		1/12 of Contract	3,083.33	33,583.31
Genera...	02/28/2017	CEH		1/12 of Contract	3,083.33	36,666.64
Check	03/02/2017	online	Melanie Stewart	January Invoice 4398	2,000.00	38,666.64
Check	03/03/2017	online	Melanie Stewart	February Invoice 4401	2,000.00	40,666.64
Check	03/06/2017	online	Melanie Stewart	March Invoice 4417	2,000.00	42,666.64
Genera...	03/31/2017	CEH		1/12 of Contract	3,083.33	45,749.97
Check	04/05/2017	online	Melanie Stewart	April Invoice	2,000.00	47,749.97
Genera...	04/28/2017	CEH		1/12 of Contract	3,083.33	50,833.30
Total 22 - Lobbyist Contract					50,833.30	50,833.30
24 - Long-Range Planning Commit						
Check	03/31/2017	online	Franklin L. Dacca	LJN3N-RGDBJ	16.05	16.05
Check	03/31/2017	online	Steven Buzzard	LJN3N-RGP3Z	106.00	122.05
Total 24 - Long-Range Planning Commit					122.05	122.05

Washington State District And Municipal Court Judges Assoc.

Transaction Detail by Account

July 2016 through April 2017

Type	Date	Num	Name	Memo	Amount	Balance
25 - MCA Liaison						
Check	03/03/2017	online	AOC	LF3NM-MX8QC	403.20	403.20
Total 25 - MCA Liaison					403.20	403.20
26 - National Leadership Grants						
Check	10/24/2016	online	Karen Donohue	L07K2-8C16Q	985.00	985.00
Check	10/24/2016	online	Janet Garrow	L07KD-8B7ML	800.00	1,585.00
Check	11/21/2016	online	Marilyn Paja	L31RW-5N44C	1,050.00	2,635.00
Total 26 - National Leadership Grants					2,635.00	2,635.00
28 - President Expense						
Check	09/20/2016	online	G. Scott Marinella	KWS3C-KQWH3	100.00	100.00
Credit ...	04/18/2017		Flowers To Go	flowers for Melanie Stewart	84.97	184.97
Total 28 - President Expense					184.97	184.97
29 - Pro Tempore						
Check	02/13/2017	online	Thurston County District Court	LCP1J-8R7JR	136.25	136.25
Total 29 - Pro Tempore					136.25	136.25
31 - Rules Committee						
Check	08/22/2016	online	Franklin L. Dacca	KSRTB-L4482	21.60	21.60
Check	10/26/2016	online	Scott Ahlf	LOGJK-G3T45	84.80	106.40
Check	01/04/2017	online	C. Scott Marinella		164.10	270.50
Total 31 - Rules Committee					270.50	270.50
32 - SCJA Board Liaison						
Check	08/22/2016	online	Scott Ahlf	KSRSJ-KK4TR	54.00	54.00
Check	01/25/2017	online	Scott Ahlf	L9STG-36HSC	64.20	118.20
Check	02/15/2017	online	Scott Ahlf	LCXJ2-4FTC0	53.50	171.70
Total 32 - SCJA Board Liaison					171.70	171.70
34 - Treasurer Expense and Bond						
Check	08/22/2016	online	Scott Ahlf	KSRSJ-KK4TR	54.00	54.00
Total 34 - Treasurer Expense and Bond					54.00	54.00
36 - Trial Court Advocacy Board						
Check	11/04/2016	online	James Doctor		65.40	65.40
Check	11/21/2016	online	AOC	L31SG-2GWQ7	287.20	352.60
Check	01/04/2017	online	AOC	L7MFC-1MR8W	45.65	398.25
Total 36 - Trial Court Advocacy Board					398.25	398.25
99 - Depreciation Expense						
Genera...	07/31/2016	CEH			9.58	9.58
Genera...	08/31/2016	CEH			9.58	19.16
Genera...	09/30/2016	CEH			9.58	28.74
Genera...	10/31/2016	CEH			9.58	38.32
Genera...	11/30/2016	CEH			9.58	47.90
Genera...	12/31/2016	CEH			9.58	57.48
Genera...	01/31/2017	CEH			9.58	67.06
Genera...	02/28/2017	CEH			9.58	76.64
Genera...	03/31/2017	CEH			9.58	86.22
Genera...	04/28/2017	CEH			9.58	95.80
Total 99 - Depreciation Expense					95.80	95.80
Bank Service Charges						
Check	10/31/2016			Service Charge	14.00	14.00
Check	11/08/2016			Service Charge	7.00	21.00
Check	11/30/2016			Service Charge	5.00	26.00
Check	12/31/2016			Service Charge	5.00	31.00
Check	01/31/2017			Service Charge	5.00	36.00
Check	02/28/2017			Service Charge	15.35	51.35
Genera...	03/09/2017	CEH		refunded	(15.35)	36.00
Check	03/31/2017			Service Charge	10.00	46.00
Total Bank Service Charges					46.00	46.00
TOTAL					0.00	0.00

Other current information not included in reports

**Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account**

May 1 - 8, 2017

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Check	05/03/2017	online	Mary C. Logan	LN34N-ZMZVD	(18.56)	(18.56)
Deposit	05/03/2017			Deposit	1,500.00	1,481.44
Check	05/03/2017	online	Thurston County District Court	LN3VM-L85H1	(817.50)	663.94
Check	05/03/2017	online	4imprint	LN03Q-W4F1V	(460.98)	202.96
Check	05/03/2017	online	Pierce County Bookkeeping	LN02Y-B1ZQC	(315.00)	(112.04)
Check	05/03/2017	online	Judicial Conf. Registrar	LN04P-LV9ZY	(1,500.00)	(1,612.04)
Transfer	05/03/2017			Funds Transfer	(84.97)	(1,697.01)
Total Bank of America - Checking					(1,697.01)	(1,697.01)
Washington Federal						
Deposit	05/03/2017			Deposit	125.00	125.00
Deposit	05/05/2017			Deposit	100.00	225.00
Total Washington Federal					225.00	225.00
Bank of America C. C.						
Transfer	05/03/2017			Funds Transfer	84.97	84.97
Total Bank of America C. C.					84.97	84.97
2017 Special Fund						
Deposit	05/03/2017	3452	John S Ziobro	Deposit	(25.00)	(25.00)
Deposit	05/03/2017	7424	Chancey C. Crowell	Deposit	(25.00)	(50.00)
Deposit	05/03/2017	60	Elizabeth A. Fraiser	Deposit	(25.00)	(75.00)
Deposit	05/03/2017	9566	Richard M. Leland	Deposit	(25.00)	(100.00)
Deposit	05/03/2017	1244	George Steele	Deposit	(25.00)	(125.00)
Deposit	05/05/2017	7171	James Heller	Deposit	(25.00)	(150.00)
Deposit	05/05/2017	7903	Lisa Paglisotti	Deposit	(25.00)	(175.00)
Deposit	05/05/2017	9679	James M.B. Buzzard	Deposit	(25.00)	(200.00)
Deposit	05/05/2017	2436	Dan LeBeau	Deposit	(25.00)	(225.00)
Total 2017 Special Fund					(225.00)	(225.00)
Membership Revenue						
Deposit	05/03/2017	2600...	John S Ziobro	Benton county	(1,000.00)	(1,000.00)
Deposit	05/03/2017	14262	George Steele	City of Shelton	(500.00)	(1,500.00)
Total Membership Revenue					(1,500.00)	(1,500.00)
Judicial College Program Support						
Check	05/03/2017	online	Judicial Conf. Registrar	LN04P-LV9ZY	1,500.00	1,500.00
Total Judicial College Program Support					1,500.00	1,500.00
Pro-Tem						
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-25-17	163.50	163.50
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-25-17	163.50	327.00
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-26-17	163.50	490.50
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-28-17	163.50	654.00
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-27-17	54.50	708.50
Check	05/03/2017	online	Thurston County District Court	Paul Wohl 4-24-17	109.00	817.50
Total Pro-Tem					817.50	817.50
5 - Bookkeeping Expense						
Check	05/03/2017	online	Pierce County Bookkeeping	April Services Invoice 598	315.00	315.00
Total 5 - Bookkeeping Expense					315.00	315.00
18 - Judicial Assistance Commit						
Check	05/03/2017	online	4imprint	LN03Q-W4F1V	460.98	460.98
Total 18 - Judicial Assistance Commit					460.98	460.98
Ask the client						
Check	05/03/2017	online	Mary C. Logan	LN34N-ZMZVD	18.56	18.56
Total Ask the client					18.56	18.56
TOTAL					0.00	0.00

DMCJA 2016-2017 Budget			
ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
1 Access to Justice Liaison	\$500.00	\$0.00	\$500.00
2 Audit	\$2,000.00	\$0.00	\$2,000.00
3 Bar Association Liaison	\$1,500.00	\$0.00	\$1,500.00
4 Board Meeting Expense	\$30,000.00	\$17,986.66	\$12,013.34
5 Bookkeeping Expense	\$3,000.00	\$3,375.00	-\$375.00
6 Bylaws Committee	\$250.00	\$0.00	\$250.00
7 Conference Calls	\$750.00	\$125.87	\$624.13
8 Conference Committee	\$4,000.00	\$1,000.00	\$3,000.00
Conference Incidental Fees For Members			
9 Spring Conference 2016	\$40,000.00	\$36,980.00	\$3,020.00
10 Diversity Committee	\$2,000.00	\$1,781.46	\$218.54
11 DMCJA/SCJA Sentencing Alternatives	\$2,500.00	\$738.65	\$1,761.35
12 DMCMA Liaison	\$500.00	\$339.20	\$160.80
13 DOL Liaison Committee	\$500.00	\$0.00	\$500.00
14 Education Committee	\$14,500.00	\$1,912.93	\$12,587.07
15 Educational Grants	\$5,000.00	\$439.22	\$4,560.78
16 Education-PJ Conference	\$12,000.00	\$15,000.00	-\$3,000.00
17 Education-Security	\$2,000.00	\$287.20	\$1,712.80
18 Judicial Assistance Committee*	\$14,000.00	\$10,538.41	\$3,461.59
19 Judicial Community Outreach	\$4,000.00	\$341.20	\$3,658.80
20 Legislative Committee	\$4,000.00	\$1,592.90	\$2,407.10
21 Legislative Pro-Tem	\$2,500.00	\$259.33	\$2,240.67
22 Lobbyist Contract	\$61,000.00	\$50,833.30	\$10,166.70
23 Lobbyist Expenses	\$1,500.00	\$0.00	\$1,500.00
24 Long-Range Planning Committee	\$1,500.00	\$122.05	\$1,377.95
25 MCA Liaison	\$1,500.00	\$403.20	\$1,096.80
26 National Leadership Grants	\$5,000.00	\$2,635.00	\$2,365.00
27 Nominating Committee	\$400.00	\$0.00	\$400.00
28 President Expense	\$7,500.00	\$184.97	\$7,315.03
29 Pro Tempore (committee chair approval)	\$10,000.00	\$136.25	\$10,000.00
30 Professional Services	\$15,000.00	\$0.00	\$15,000.00
31 Rules Committee	\$1,000.00	\$270.50	\$729.50
32 SCJA Board Liaison	\$1,000.00	\$171.70	\$828.30
33 Therapeutic Courts	\$3,500.00	\$0.00	\$3,500.00
34 Treasurer Expense and Bonds	\$1,000.00	\$54.00	\$946.00
36 Trial Court Advocacy Board	\$3,000.00	\$398.25	\$2,601.75
37 Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
Pro-Tem Cost (new item)	\$30,000.00	\$9,356.43	\$20,643.57
Judicial College Program Support	\$1,500.00	\$1,500.00	\$0.00
TOTAL	\$290,900.00	\$157,263.68	\$132,272.57
TOTAL DEPOSITS MADE	\$183,475.00		
CREDIT CARD (balance owing)	\$0.00		

*Includes \$7,000 from the SCJA
Balance as of 04-30-2017