

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, OCTOBER 16, 2009
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Michael Lambo, Member Chair
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Tari Eitzen, President
Superior Court Judges' Association
Spokane County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Justice Barbara Madsen
Supreme Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Judge Glenn Phillips, President
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

Judge Chris Wickham
Superior Court Judges' Association
Thurston County Superior Court

NON-VOTING MEMBERS:

Judge Stephen Brown, President-Elect
District and Municipal Court Judges'
Association
Grays Harbor County District Court

Mr. Jeff Hall
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President
Washington State Bar Association

Mr. Steven G. Toole, President-Elect
Washington State Bar Association

Judge Stephen Warning, President-Elect
Superior Court Judges' Association
Cowlitz County Superior Court

Board for Judicial Administration

October 16, 2009
9:30 a.m.
AOC SeaTac Office
Suite 1106, SeaTac Office Center

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Michael Lambo	
3. Introduction of Washington State Association of County Clerks	Chief Justice Gerry Alexander	
Action Items		
4. September 18, 2009 Meeting Minutes Action: Motion to approve the minutes of the September 18 meeting	Chief Justice Gerry Alexander Judge Michael Lambo	Tab 1
5. BJA Legislative Agenda Action: Motion to approve the recommended 2010 BJA legislation	Ms. Mellani McAleenan	Tab 2
6. Appointment to the BJA Best Practices Committee Action: Motion to reappoint Mr. Steven J. Kinn to the BJA Best Practices Committee.	Ms. Mellani McAleenan	Tab 3
7. Appointment to the BJA Court Security Committee Action: Motion to reappoint Mr. Craig Daly to the BJA Court Security Committee.	Ms. Mellani McAleenan	Tab 4
Reports and Information		
8. Washington State Association of County Clerks Legislative Agenda	Ms. Barb Miner	
9. Suspension of Judge During Commission on Judicial Conduct Investigation	Judge Michael Lambo	
10. Interpreter Oath	Ms. Mellani McAleenan	Tab 5

11. Court Management Council Court Transcriptionists Subcommittee	Mr. Dirk Marler	
12. Filing Fee Workgroup	Ms. Mellani McAleenan	Tab 6
13. Access to Justice Board	Mr. M. Wayne Blair	
14. Washington State Bar Association	Mr. Salvador Mungia Ms. Paula Littlewood	
15. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Chief Justice Gerry Alexander Judge Marlin Appelwick Judge Tari Eitzen Judge Glenn Phillips	
16. Association Reports County Clerks Superior Court Administrators District and Municipal Court Administrators Juvenile Court Administrators	Ms. Barb Miner Ms. Marti Maxwell Ms. Jeri Cusimano Mr. Michael Merringer	
17. Administrative Office of the Courts	Mr. Dirk Marler	
18. Other Business BJA Financial Report Next meeting: November 20 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Michael Lambo Ms. Mellani McAleenan	

**Board for Judicial Administration
Meeting Minutes**

**September 18, 2009
Red Lion Hotel
SeaTac, Washington**

Members Present: Chief Justice Gerry L. Alexander, Chair; Judge Michael Lambo, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen E. Brown; Judge Ronald Culpepper; Judge Susan Dubuisson, Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson (by phone); Ms. Paula Littlewood; Justice Barbara Madsen; Judge Glenn Phillips; Judge Christine Quinn-Brintnall, Judge Stephen Warning; and Judge Chris Wickham

Guests Present: Ms. Marti Maxwell, Mr. Joe McGuire, and Ms. Sharon Paradis

Staff Present: Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, and Mr. Chris Ruhl

Chief Justice Alexander called the meeting to order.

June 19, 2009 Meeting Minutes

It was moved by Judge Applewick and seconded by Judge Dubuisson to approve the June 19, 2009 meeting minutes. The motion carried.

Reappointment to the BJA Court Security Committee

The Board for Judicial Administration (BJA) received a request from the District and Municipal Court Management Association (DMCMA) to reappoint Ms. Suzanne Elsner to the BJA Court Security Committee.

The BJA also received a letter from the Superior Court Judges' Association (SCJA) requesting that Judge John Lohrmann be appointed to the Court Security Committee.

It was moved by Judge Phillips and seconded by Judge Baker to reappoint Ms. Suzanne Elsner and appoint Judge John Lohrmann to the BJA Court Security Committee. The motion carried.

Statutory Construction Taskforce

Judge Eitzen reported that Senator Adam Kline stated he would like a superior court judge to participate on a pre-session statutory construction workgroup. Senator Kline will sponsor a statute this session to create the workgroup and he wants to get a head start on the work. Judge Eitzen thinks judicial participation is a way to remind the

Legislature not to enact statutory rules that might impinge upon the judicial branch of government and judicial discretion. On the other hand, participating might indicate the judicial branch's willingness to be "impinged upon." She is concerned about if and when the workgroup may be impinging on the domain of the judicial branch (interpretation, as opposed to definitions, being reserved for the courts).

Judge Eitzen discussed Senator Kline's request with the SCJA Board of Trustees and Judge Salvatore Cozza indicated an interest in participating on the Taskforce. Some of the SCJA Board of Trustees are concerned about separation of powers issues. Judge Eitzen would like guidance from the BJA on whether the SCJA should participate or not.

There was consensus that judicial representatives should be at the table and they should feel comfortable expressing the view that the Legislature is encroaching on separation of powers issues. It was suggested that a representative from the District and Municipal Court Judges' Association (DMCJA) be included. It is also a possibility that this can be covered by a rule. Justice Charles Johnson will represent the Supreme Court. The first meeting is scheduled for September 30 at the Temple of Justice. Judge Wickham will attend for the SCJA but he would like some direction on the issue.

Conference of Chief Justices/Conference of State Court Administrators Resolutions

Chief Justice Alexander and Mr. Hall attended the Conference of Chief Justices and Conference of State Court Administrators conference in August. A number of resolutions were approved during the conference and they fall into two categories: resolutions geared toward congressional issues, and general principle statements. No BJA action is required, Mr. Hall just wants the BJA to be aware of them.

BJA Budget Reductions

Ms. McAleenan reported that the BJA budget was reduced for the current biennium. Both of the presiding judges' conferences have been eliminated along with Trial Court Coordinating Grants. The Trial Court Coordinating program will continue but it will not be funded and no grants will be provided.

The Court Independence Response Team and the Domestic Relations Committee are now unfunded but have not been active in several years. Ms. McAleenan would like guidance from the BJA on whether to decommission both committees or let them remain dormant.

Judge Dubuisson moved and Judge Quinn-Brintnall seconded that the Court Independence Response Team and the Domestic Relations Committee be eliminated. The motion carried.

State Budget Update

Mr. Radwan stated that the Economic Forecast Council released their latest state budget forecast yesterday and a handout was distributed with forecast information. Governor Gregoire took steps in July to further reduce executive branch agency budgets. Judicial branch agencies will most likely have to cut about 2% from their budgets in the near future.

There was a legislative hearing with the House Appropriations Committee on Wednesday to update the Legislature on the state judicial branch budget reductions. They asked Mr. Hall how the judicial branch would accommodate the Governor's recent expenditure reduction request and Mr. Hall replied that it only applied to executive branch agencies and the committee chair acknowledged that the Governor's actions do not apply to the judicial branch and the committee members were very accepting of that.

The Administrative Office of the Courts (AOC) is currently working on the supplemental budget process.

Superior Court Budget Reduction Survey

Mr. Hall reported that the Superior Court Budget Reduction Survey reflects budget reductions superior courts have taken to date. The 2010 estimated reduction is the target number courts have been given for their budgets. Most interesting is the list of ways the reductions were applied in the courts—mostly staff reductions, furloughs, and salary reductions.

The reduction information is being provided to the BJA because oftentimes it is helpful to see what other courts are doing regarding reductions. Also, the National Center for State Courts has an online chart showing reductions taken in each state that might be helpful to Washington courts.

AOC received a request to survey courts of limited jurisdiction and AOC will go forward with that survey in the near future. During the BJA meeting, a request was made to also survey juvenile courts.

Cowlitz County Superior Court Funding Report

Cowlitz County Superior Court asked AOC to assist them in determining an adequate level of court funding in Cowlitz County. The funding report was included in the meeting materials.

Judge Warning thanked Mr. Hall, Mr. Marler and the other AOC staff involved for quantifying the concept of adequate funding. The Cowlitz County Superior Court judges are hoping the county commissioners will be open to the report.

BJA Dues

Ms. McAleenan reported that the fund balance in the private BJA account has ranged from \$15,000 to \$30,000 in the past. It is now down to just over \$9,000. It is time to discuss if BJA dues should be collected. The existing funds are insufficient for legislative dinners during the next long legislative session.

Judge Fleck moved and Judge Phillips seconded to collect BJA dues at the same level as previously assessed in 2006-2007. The motion carried.

Regional Courts

Ms. McAleenan said the bill related to regional courts that was drafted last year is based on a carrot approach. Given the realities of the current fiscal situation, the money necessary for that approach does not exist. Ms. McAleenan just wanted to bring this issue back for a discussion of how the BJA would like to proceed. No action is required unless the BJA would like something specific done at this point in time.

After discussion, there was consensus from the BJA members that we should keep this on the back burner and remaining on the table for a better economic climate.

Development of Filing Fee Workgroup

Ms. McAleenan stated that in the Court Funding Task Force Report, on page 15, there is a recommendation stating that the BJA should seek legislation to report annually to the Supreme Court and the BJA recommending updates to fees based on inflation. This has not been done in the past, and Ms. McAleenan thought it was timely that an inflationary review be undertaken. The meeting packet contains fee amounts from the past and what inflation would do to the fees at set intervals.

Ms. McAleenan is looking for a nod from the BJA to develop a Filing Fee Workgroup to discuss this issue and bring a recommendation back to the BJA in October.

It was determined that Chief Justice Alexander and Judge Lambo will appoint the Workgroup members. Ms. Maxwell would like to serve and Judges Eitzen, Phillips, and Appelwick, along with the Bar will make recommendations for Workgroup members.

Trial Court Coordination Final Report Summary

The Trial Court Coordination funding has been eliminated due to budget reductions and the final report was distributed in the meeting materials.

WSBA

This is Mr. Johnson's last BJA meeting and he thanked the BJA members for all the work they have accomplished. He stated that it has been an honor to work with the BJA this year.

Chief Justice Alexander expressed his thanks to Mr. Johnson for the work he has done as President of the Washington State Bar Association (WSBA). Washington has been blessed with a great string of WSBA Presidents and Governors and the fact that Mr. Johnson has been involved in the BJA is appreciated.

Ms. Littlewood reported that the Web site MyWSBA is a new one-stop shop for Bar members. Members can change their contact information, pay license fees, and manage CLEs. Judicial status members will be able to utilize select portions of the new Web site.

Next week is the WSBA Annual Dinner and Board meeting. During the dinner they will present the 2009 Outstanding Judge Award to Judge Lesley Allan, the 2009 Award of Merit to Judge Fleck, and the Lifetime Service Award to Judge Robert Harris. The Bar will also swear in the new Bar President Sal Mungia along with the other new officers and governors.

At their Board of Governors meeting next week they will adopt the budget. Included in the budget is funding to overhaul the WSBA Web site. \$200,000 is being allocated to launch a statewide moderate means program in which lawyers agree to take cases for a reduced fee. In addition to their budget, the meeting will include:

- The Court Rules Committee will report on the rules they have been reviewing—one is regarding electronically stored information.
- The Discipline Review Committee will present their final report.
- The Professionalism Outreach Initiative will be discussed. The Bar has been talking with law school deans regarding Bar volunteers and staff using one law school class period to talk about professionalism. The law schools have been very receptive.
- President-Elect Mungia's Mentor Program will be discussed.

The Home Foreclosure Legal Aid Project has just under 300 attorney volunteers participating in the program.

Reports from the Courts

Supreme Court: Chief Justice Alexander reported that the Supreme Court tabled the legal technician rule change for a year. The rule change would result in substantial costs and it would be difficult for attorneys. The Supreme Court will take this up again in June 2010.

Justice Madsen reported that Tim Fuller, the Reporter of Decisions, is retiring October 9. The Supreme Court is currently interviewing for the position.

The Supreme Court authorized the Washington Pattern Jury Instructions Committee (WPIC) to use its royalties to fund additional staff.

The Supreme Court is beginning a long-range plan for the Supreme Court.

The Supreme Court will be traveling to Port Angeles in October to hold court at Peninsula College.

Court of Appeals: Judge Appelwick reported that the Court of Appeals judges are trying to get the work done with their current resources. All three divisions are using videoconferencing and have been able to cut some travel costs.

Judge John Schultheis is retiring at the end of the year.

Superior Courts: Judge Eitzen stated that the SCJA has their first Legislative Committee meeting immediately following this meeting. The SCJA arrived at some policies and positions for this coming legislative session and some positions they might take in 2011 such as recognition of the importance of commitment to speaking with one voice with the BJA; not seeking increased funding for 2010; and examining the issue of increased filing fees for 2011.

Courts of Limited Jurisdiction: Judge Phillips reported that the DMCJA is currently exploring with the SCJA which juvenile cases would more appropriately and beneficially be heard in juvenile courts. Once an agreement on this refinement of jurisdiction is reached, the DMCJA and SCJA will be asking the BJA to sponsor legislation next year.

The DMCJA will be co-sponsoring a courts of limited jurisdiction pro tem training CLE with the WSBA. The co-sponsorship agreement has been finalized and classes are scheduled to be held in Spokane and Seattle next spring.

Association Reports

Association of Washington Superior Court Administrators (AWSCA): Ms. Maxwell thanked the AOC, especially Ms. Sondra Hahn, for her help with the Superior Court

Budget Reduction survey. Another survey will be distributed at the first of the year. The superior court administrators are really watching the budget numbers and trying to help each other become creative.

District and Municipal Court Management Association (DMCMA): Mr. McGuire reported that the DMCMA is distressed about not having training dollars. They are not sure what they will do about training in the future.

The DMCMA held a Board meeting two weeks ago in Ellensburg to get more participation from courts in Eastern Washington.

King County courts have been discussing potential flooding issues and are making plans in case flooding occurs this winter.

Washington Association of Juvenile Court Administrators (WAJCA): Ms. Paradis reported the WAJCA completed their fall conference. During the conference, there was significant discussion about the budget proviso language regarding block grants and amendment to the funding distribution formula.

The WAJCA has been informed by the Juvenile Rehabilitation Administration (JRA) that the 2% budget reduction imposed by the Governor will impact juvenile courts but not until the last 18 months of the biennium.

Administrative Office of the Courts

Mr. Marler reported that there have been problems getting court employees to judicial education programs in this economy. AOC staff are using technology—online, interactive, web-based programs—to educate court staff in the current economy.

YAKIMA COUNTY SUPERIOR COURT

SUPERIOR COURT JUDGES

Judge Susan L. Hahn
Judge Michael G. McCarthy
Judge F. James Gavin
Judge Blaine G. Gibson
Judge David A. Eloffson
Judge Ruth E. Reukauf
Judge Michael E. Schwab
Judge C. James Lust

Yakima County Courthouse
128 North Second Street
Yakima, Washington 98901

SUPERIOR COURT COMMISSIONERS

Lani-Kai Swanhart
Robert W. Inouye
Gayle Harthcock
Telephone: (509) 574-2710
Fax: (509) 574-2701

September 9, 2009

To: Mr. Jeff Hall, State Court Administrator

From: Presiding Judge Ruth Reukauf

Re: Judicial Position Needs/ Yakima County

The Yakima County Superior Court received the 2009 Judicial Needs Estimates and a request to notify your office if we would be asking for any additional Superior Court Judge positions. The Yakima County Superior Court is requesting the addition of one Superior Court Judge in 2010.

The Court's request is based on the high criminal caseload in the Yakima County Superior Court. A review of 2008 Administrative Office of the Courts data indicates that Yakima County Superior Court had 2586 criminal filings and 2849 resolutions. When this is compared with counties of similar resources the data is startling. For example Kitsap County had 1515 criminal cases filings and 1561 resolutions while Thurston County had 2347 filings and 2285 resolutions. The heavy criminal caseload in Yakima County has limited the number of cases brought before the Court on the civil and domestic relations calendars.

Although Yakima Superior Court list 3.20 judicial officers under the category of full-time or part-time Commissioners this allocation is misleading. Yakima County, unlike other counties in Washington State, has to provide judicial resources to address the following two issues:(1) Yakima Memorial Hospital has become a statewide facility for patients under the Involuntary Treatment Act (ITA) and this has caused a dramatic increase in the number of ITA hearings; and

(2) Yakima County Superior Court has jurisdiction in the Department of Ecology vs. Acquavella case which has been allocated a significant amount of judicial resources. These two issues reduce the judicial resources available to criminal, civil, juvenile and domestic relations cases by one full time judicial position. Therefore, Yakima County has 10.20 available judicial positions and AOC is projecting Total Judge Need at 10.98.

The Yakima County Superior Court in 2009 implemented a new case management system to address the large "backlog" of cases. This has had a positive impact on the number of cases processed and the case -processing time standards adopted by the Board of Judicial Administration. The Court understands the AOC model will take into consideration the judicial resources needed by the Court to reduce the delay in case processing. Because the Court has already implemented a more effective case management model to address the backlog we anticipate the 2009 AOC Judicial Needs Estimation will reflect the need for another Superior Court Judge.

Thank you very much for your request for information and if you have any questions or concerns please contact Mr. Harold Delia at (509) 574-1805.

Sincerely,

A handwritten signature in black ink that reads "Ruth E. Reukauf". The signature is written in a cursive style with a large, stylized initial 'R'.

Ruth E. Reukauf

Presiding Judge, Yakima Superior Court

**Superior Courts
Judicial Need Estimates by Full-Time Equivalents, 2009 Projected Filings¹**

Court	Judges	Authorized Unfilled Judge Positions ²	Full-Time Commissioners	Part-Time Commissioners	Total Estimated Judge Need ³
Adams	1.00	0.00	0.00	0.00	0.97
Asotin/Columbia/Garfield	1.00	0.00	0.00	0.34	1.55
Benton/Franklin	6.00	0.00	2.00	0.50	9.61
Chelan	3.00	1.00	1.00	0.00	3.57
Clallam	3.00	0.00	1.00	0.19	3.66
Clark	10.00	0.00	3.00	0.60	14.08
Cowlitz	4.00	1.00	0.00	0.61	5.80
Douglas	1.00	0.00	0.00	0.09	1.31
Ferry/Stevens/PendOreille	2.00	0.00	0.00	0.43	2.50
Grant	3.00	0.00	0.00	0.75	3.64
Grays Harbor	3.00	0.00	0.00	0.00	3.84
Island	2.00	0.00	0.00	0.20	2.57
Jefferson	1.00	0.00	0.00	0.30	1.45
King	53.00	5.00	14.00	0.00	66.51
Kitsap	8.00	0.00	1.00	0.10	9.09
Kittitas	2.00	0.00	0.00	0.00	1.67
Klickitat/Skamania	1.00	0.00	0.00	0.13	1.55
Lewis	3.00	0.00	1.00	0.00	3.67
Lincoln ⁴	1.00	0.00	0.00	0.13	1.13
Mason	2.00	0.00	0.00	1.05	2.58
Okanogan	1.00	1.00	0.00	0.56	1.97
Pacific/Wahkiakum	1.00	0.00	0.00	0.00	1.34
Pierce	22.00	2.00	7.00	0.00	30.34
San Juan	1.00	0.00	0.00	0.00	0.79
Skagit	4.00	0.00	1.00	0.50	6.95
Snohomish	15.00	0.00	5.00	0.00	21.48
Spokane	12.00	1.00	6.00	0.00	18.93
Thurston	8.00	0.00	2.00	0.18	10.70
Walla Walla	2.00	0.00	0.00	0.35	2.78
Whatcom	3.00	0.00	3.00	0.80	6.72
Whitman	1.00	0.00	0.00	0.00	1.18
Yakima	8.00	0.00	2.00	1.20	10.98
TOTAL	188.00	11.00	49.00	9.01	254.93

1. Year 2009 projected filings are based on the previous five-year filing trends of the various case types in a given court. Need estimates are based on the previous five years of data for the number of total judicial officers and case resolutions.
2. Superior court judge positions authorized by state statute yet unfunded at the county level.
3. This column represents the estimated number of judge positions needed, as required by RCW 2.56.030(11). Individual counties or judicial districts may choose to establish and fund court commissioner positions instead of superior court judge positions. Identical indicators are used to measure the workload of both judges and commissioners.
4. The estimation process eliminates Lincoln County due to caseload anomalies which strongly influence the overall results. In order to obtain a true statewide total, the estimated judge need for Lincoln County is imputed to be identical to the current judicial officer FTE count in that county.

Description of Superior Court Judicial Needs Estimation

In March 2001, a new methodology for estimating judicial needs in the superior courts was adopted by the Administrative Office of the Courts in conjunction with the Superior Court Judges' Association. Beginning with the 2001 Annual Report, a yearly table is published displaying court-level judicial needs estimates using this methodology, along with a brief description of the process.

The superior court model for estimating judicial needs is workload-based. The estimates are derived from a statistical model with two primary data components: (1) the observed caseload processed, and (2) the number of available judicial officers. The caseload measure is represented by case resolutions, and the judicial officer measure is represented by judge and commissioner FTEs. Any significant effects due to differences in court size are captured during the estimation process. In order to ensure that a good representative sample underlies the estimation, the data are drawn from courts across the state and from the past several years.

This type of approach has wide usage in a number of diverse applications and so provides a well-established base model. One of the inherent advantages of this methodology is the facility to capture changes in practice over time. Another advantage is that qualitative adjustments – based upon objective data – are possible. A qualitative adjustment adopted for use in the superior court model relies upon the published case-management statistics for various case types to create a “time standards adjustment factor.” This adjustment allocates additional resources based upon an individual court’s time-in-process results versus the case-processing time standards adopted by the Board for Judicial Administration.* In other words, the model recognizes when a court has a case backlog problem, and takes into consideration the judicial resources needed by that court to reduce the delay in case processing. This adjustment factor is a way to introduce an *objective* quality assurance check on the baseline prediction from the input-output model.

* *The case-processing time standards were adopted by the Board for Judicial Administration as an objective means for courts to measure the pace of cases from filing to resolution. They are published in the Washington Court Rules.*



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8310
e-mail: paulal@wsba.org

October 1, 2009

The Honorable Gerry L. Alexander
Chief Justice
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Nomination of Steven J. Kinn to the Board for Judicial Administration Best Practices Committee

Dear Chief Justice Alexander:

At its September 24-25, 2009, meeting, the WSBA Board of Governors nominated Steven J. Kinn for Supreme Court reappointment to the Board for Judicial Administration Best Practices Committee. The two-year term would begin upon appointment and end May 31, 2011. Enclosed is a copy of Mr. Kinn's letter of interest and résumé.

Thank you for considering this nomination for appointment to the Board for Judicial Administration Best Practices Committee.

Sincerely,

Paula C. Littlewood
Executive Director

Enclosure

cc: Hon. Julie Spector, Chair, Board for Judicial Administration Best Practices Committee
Steven J. Kinn

Working Together to Champion Justice



THE WASHINGTON ASSOCIATION OF
JUVENILE COURT ADMINISTRATORS

www.wajca.org

October 2, 2009

EXECUTIVE BOARD

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Jefferson County Juvenile Court

CHAD CONNORS
Finance Committee
Cowlitz County Juvenile Court

KENNETH TRULL
Finance Committee
Yakima County Juvenile Court

2007-2008 WAJCA
ADMINISTRATOR OF THE YEAR
MICHAEL MERRINGER
Island County Juvenile Court

2007-2008 PRESIDENTS AWARDS
PETE PETERSON
Clallam County Juvenile Court

Honorable Gerry Alexander
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Nomination to BJA Court Security Committee

Dear Chief Justice Alexander:

The Washington Association of Juvenile Court Administrators (WAJCA) has nominated Craig Daly, Juvenile Court Administrator from Snohomish County, to serve on the Board for Judicial Administration Court Security Committee. Mr. Daly has previously served as our representative to the Court Security Committee. We appreciate his interest in the work of the Committee and we know that the Committee will continue to benefit from Mr. Daly's knowledge and background.

We would also ask that William Holmes, the Kittitas Juvenile Court Administrator, be considered as an alternate representative should that need arise. Mr. Holmes has also expressed a specific interest in the work of this Committee.

Please let me know if there is any further information you require of me in reference to WAJCA's nomination.

Sincerely,

Sharon A. Paradis, President
Washington Association of Juvenile Court Administrators

cc: Craig Daly
William Holmes
Rick Coplen, AOC

The Supreme Court

State of Washington

Susan Owens
Justice
Temple of Justice
P. O. Box 40929
Olympia, WA 98504-0929



(360) 357-2041
Fax (360) 357-2103
E-mail: J_S.Owens@courts.wa.gov

August 6, 2009

Judge Tari S. Eitzen
SCJA President
Spokane County Superior Court
1116 West Broadway Avenue
Spokane, WA 99260

Judge Glenn M. Phillips
DMCJA President
Kent Municipal Court
1220 Central Avenue South
Kent, WA 98032

Dear Judges Eitzen and Phillips:

The Interpreter Commission is committed to assuring that courts receive high quality interpreting services, and are able to process interpreted cases in an efficient manner. At our last quarterly meeting we discussed the recent Court of Appeals decision in State v. Flores, which states that courts are required by RCW 2.43.050 and ER 604 to swear in and qualify interpreters for every proceeding, and that courts may not engage in the time-saving practice of permanently swearing in certified interpreters.

With increasing calendars and growing demands for court interpretation, the Interpreter Commission appreciates the inefficiency of administering the oath and qualifying the interpreter in every instance that a certified interpreter is used. Certified interpreters have met the highest professional standards through testing and training, and are already administered a permanent oath by a judge upon receiving their certification credential.

The Judicial Branch in Oregon has addressed this issue through statutory clarification, which perhaps could be used as an example for Washington. Oregon Revised Statutes 40.325 provides

the general requirement for administering the oath and qualifying court interpreters. Yet ORS 45.275 clarifies that such oath is not required for court *certified* interpreters:

ORS 40.325: *Except as provided in ORS 45.275 (8), an interpreter is subject to the provisions of the Oregon Evidence Code relating to qualification as an expert and the administration of an oath or affirmation that the interpreter will make a true and impartial interpretation of the proceedings in an understandable manner using the interpreter's best skills and judgment in accordance with the standards and ethics of the interpreter profession.*

ORS 45.275 (8): *A court, hearing officer or the designee of a hearing officer shall require any person serving as an interpreter for the court or agency to state the person's name on the record and whether the person is certified under ORS 45.291. If the person is certified under ORS 45.291, the interpreter need not make the oath or affirmation required by ORS 40.325 or submit the interpreter's qualifications on the record. If the person is not certified under ORS 45.291, the interpreter must make the oath or affirmation required by ORS 40.325 and submit the interpreter's qualifications on the record.*

The Interpreter Commission feels confident that a similar approach would be appropriate in Washington. Such a statutory change would help to ensure the efficient processing of interpreted hearings, without compromising our commitment to quality interpreting services. Accordingly, the Interpreter Commission respectfully requests the SCJA and the DMCJA to address this issue, and join us in proposing to the BJA that it seek a statutory change which clarifies that the oath and qualification requirements do not apply to interpreters certified by the Washington Court Interpreter Program.

With Warmest Regards,



Justice Susan Owens,
Interpreter Commission Chair

cc: Judge Gregory Sypolt
Judge James Riehl
Regina McDougall
Ashley DeMoss

RCWs > Title 2 > Chapter 2.43 > Section 2.43.050

2.43.040 << 2.43.050 >> 2.43.060

RCW 2.43.050

Oath.

Before beginning to interpret, every interpreter appointed under this chapter shall take an oath affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

[1989 c 358 § 5. Formerly RCW 2.42.240.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

OATH OF INTERPRETER

State of Washington, County of _____

I, _____ do solemnly declare:

- I. I will abide by the Code of Conduct for court interpreters adopted by the Supreme Court of the state of Washington while maintaining high standards of conduct to preserve the integrity and independence of the adjudicative system. I will protect privileged communications, refrain from the unauthorized practice of law, and reveal to the court any conflict of interest.
- II. When appointed to serve in legal proceedings, I will interpret the material thoroughly and precisely, stating as nearly as possible what has been stated by all speakers. I will never add words to, nor omit words from, a statement made by a witness, party, judge or attorney.
- III. I will maintain the respect due to the courts of justice and judicial officers, and to all parties involved in legal proceedings.

Signature

Subscribed and sworn to before me this _____ day of
_____, 20____.

Judge's Signature

RULE ER 604
INTERPRETERS

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation to make a true translation.

[Amended effective September 1, 1992.]

Comment 604

[Deleted effective September 1, 2006.]

Not Reported in P.3d, 2009 WL 1419691 (Wash.App. Div. 1)
 (Cite as: 2009 WL 1419691 (Wash.App. Div. 1))

Only the Westlaw citation is currently available.

NOTE: UNPUBLISHED OPINION, SEE RCWA
 2.06.040

Court of Appeals of Washington,
 Division 1.
 STATE of Washington, Respondent,
 v.
 Pedro Alonzo FLORES, Appellant.
 No. 61626-9-I.

May 18, 2009.

West KeySummary

Criminal Law 110  642

110 Criminal Law

110XX Trial

110XX(B) Course and Conduct of Trial in
 General

110k642 k. Appointment and Services of
 Interpreter. Most Cited Cases

Although an interpreter was not sworn in and her credentials and qualifications were not confirmed on the record, a defendant was not deprived of his constitutional right to a fair trial. The interpreter was properly certified by Washington and therefore was presumed qualified. Moreover, there was no showing of inadequate interpretation and the defendant failed to object below, thus waiving the error.

Appeal from King County Superior Court; Honorable
 Charles W. Mertel, J.

Washington Appellate Project, Attorney at Law,
 Oliver Ross Davis, Seattle, WA, for Appellant.

Pedro Alonso Flores, Bellevue, WA, pro se.

Prosecuting Atty King County, King Co. Pros/App
 Unit Supervisor, Daniel Kalish, King County Prose-
 cutor's Office, Seattle, WA, for Respondent.

UNPUBLISHED OPINION

GROSSE, J.

*1 A court interpreter is statutorily required to be sworn in at trial but failure to object below waives the error, particularly here, where there is no showing of inadequate interpretation. Arguments not raised below will not be considered on appeal unless they concern a manifest error affecting a constitutional right. Where, as here, no prejudice is shown, there is no manifest constitutional error. Thus, we affirm the trial court.

FACTS

Early on August 26, 2007, Officer Andrew Popochock of the Bellevue Police Department pulled Pedro Flores over after observing multiple moving violations. Flores did not immediately stop but rather continued to drive through an apartment complex before pulling into a parking space. Flores jumped out of the car and Officer Popochock commanded him, both in Spanish and in English, to stop and put his hands on the roof of the vehicle. Flores complied. The officer frisked Flores for weapons but found none, though he observed that Flores' breath smelled of alcohol.

Flores announced that he was leaving for his apartment and refused to comply with the officer's repeated requests that he sit down next to his vehicle. Officer Popochock decided to handcuff Flores to keep him from fleeing. Flores turned, upon Officer Popochock's request, with his arms held back and behind his body, but extended in such a way that the officer was unable to get the handcuffs around the wrists. The officer sought through verbal commands and then through physical force to restrain Flores in handcuffs. The two men were in a narrow space between Flores' vehicle and that of another in the parking lot. Flores turned and head-butted Officer Popochock in the chest and began striking at him. A struggle ensued during which both men repeatedly struck each other. A second officer arrived and the two police officers were then able to take Flores into custody. While under arrest and being transported to jail, Flores made several statements asserting his ability to prevail in a fight with Officer Popochock.

Not Reported in P.3d, 2009 WL 1419691 (Wash.App. Div. 1)
(Cite as: 2009 WL 1419691 (Wash.App. Div. 1))

Flores was charged with third degree assault.^{FN1} The court appointed a Spanish language interpreter, Angela Torres Henrick, to assist Flores at trial. Prior to trial, at the CR 3.5 hearing, Henrick introduced herself to the court:

FN1. See RCW 9A.36.031(g).

Good morning, your Honor. My name is Angela Torres Henrick, T-O-R-R-E-S, H-E-N-R-I-C-K, Washington state certified interpreter for the Spanish language, permanently sworn in [the] superior court.

Henrick's qualifications were not examined by the court nor was she sworn in at trial.^{FN2} Defense counsel for Flores never raised any objections with regard to Henrick or her performance during trial.

FN2. Chapter 2.43 RCW.

Officer Popochock testified at Flores' trial, giving a detailed accounting of the circumstances surrounding Flores' arrest as he recalled them. Flores then took the stand and offered a different version of events. He claimed that the officer, having caught him by surprise upon exiting from his vehicle at his friend's apartment, sought to handcuff him, and then roughed him up for no apparent reason.

*2 The jury convicted Flores of third degree assault as charged. The trial court sentenced him to 60-days' electronic home monitoring. Flores appeals.

ANALYSIS

Interpreter-Certification, Oath, Qualifications

On appeal, Flores contends that he was deprived of his constitutional right to a fair trial because his interpreter was not sworn in and her credentials and qualifications were not examined. Flores also contends that Henrick provided deficient interpretation during trial.

Under chapter 2.43 RCW, all non-English-speaking persons in criminal proceedings are entitled to the appointment of a qualified interpreter to assist them at trial.^{FN3} Such appointments serve to uphold criminal defendants' constitutional rights.^{FN4} The appointment,

however, is not constitutionally mandated.^{FN5}

FN3. RCW 2.43.030(1) provides in part:

Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

ER 604 provides:

An interpreter is subject to the provisions of these rules relating to qualification as an expert and the administration of an oath or affirmation to make a true translation.

FN4. RCW 2.43.010 provides:

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters....

See also U.S. CONST. amend. VI: *State v. Sengxay*, 80 Wash.App. 11, 15-16, 906 P.2d 368 (1995).

FN5. *State v. Teshome*, 122 Wash.App. 705, 711, 94 P.3d 1004 (2004), review denied, 153 Wash.2d 1028, 110 P.3d 213 (2005) (citing *State v. Pham*, 75 Wash.App. 626, 633, 879 P.2d 321 (1994)).

Henrick is a Washington State certified interpreter.^{FN6} If properly certified, the interpreter is presumed qualified. She was not administered an oath per statute nor

Not Reported in P.3d, 2009 WL 1419691 (Wash.App. Div. 1)
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were her credentials and competency confirmed on the record.^{FN7}

FN6. RCW 2.43.030. Appointment of interpreter

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the administrative office of the courts, unless good cause is found and noted on the record by the appointing authority.

FN7. RCW 2.43.050. Oath

Before beginning to interpret, every interpreter appointed under this chapter shall take an oath affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

See also Comprehensive Code of Conduct, adopted by the Supreme Court in 1989 (requiring, inter alia, an interpreter be a disinterested party), codified as General

Rule 11.1.

Arguments not raised below are not considered by this court on appeal unless they concern a manifest error affecting a constitutional right.^{FN8} Accordingly, we limit our analysis to the examination of constitutional issues. Flores bears the burden of proving the error was manifest-meaning there is a substantial likelihood that but for the error or cumulative errors, the outcome of the trial would likely have been different.^{FN9} It is not enough to show obvious error.^{FN10}

FN8. RAP 2.5(a)(3); *State v. Sengxay*, 80 Wash.App. 11, 15, 906 P.2d 368 (1995)(citing *State v. Riley*, 121 Wash.2d 22, 31, 846 P.2d 1365 (1993)).

FN9. *Sengxay*, 80 Wash.App. at 16, 906 P.2d 368 (citing *United States v. Perez*, 651 F.2d 268, 273 (5th Cir.1981)).

FN10. *Sengxay*, 80 Wash.App. at 16, 906 P.2d 368.

In *State v. Sengxay*,^{FN11} this court upheld a defendant's burglary conviction where the trial court did not administer an oath to the interpreter. Like Flores, the defendant in *Sengxay* did not object below and could not identify any obvious mistakes or deficiencies in the actual interpretation at trial.^{FN12} Similarly, in *State v. Serrano*,^{FN13} this court found waiver where the defense did not object at trial to the appointment of a qualified, but uncertified, interpreter because no prejudice was shown. Likewise, Flores did not object below and has failed to establish he was prejudiced. He is not entitled to any legal remedy.

FN11. 80 Wash.App. 11, 906 P.2d 368 (1995).

FN12. *Sengxay*, 80 Wash.App. at 16, 906 P.2d 368.

FN13. 95 Wash.App. 700, 704, 977 P.2d 47 (1999).

Flores has also failed to establish any deficient performance by the interpreter that rises to the level of actual prejudice. Flores argues that Henrick could not

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(Cite as: 2009 WL 1419691 (Wash.App. Div. 1))

immediately interpret certain questions at trial and had to ask for clarification. Minor confusion or delays in interpretation is far from deficient interpretation. And even if Flores was found to have received deficient interpretation, he would still have to prove he was prejudiced thereby. Unable to do so, Flores' claim here fails.

Prosecutorial Misconduct

Flores also argues on appeal that he was deprived a fair trial by prosecutorial misconduct. The prosecutor never clearly stated to the jury that they had to either find Officer Popochock was lying or entirely mistaken to acquit. According to Flores, the prosecutor improperly argued during closing that to find Flores not guilty, the jury had to find that Officer Popochock was either lying or mistaken.

*3 We review the prosecutor's allegedly improper statements during closing, considering "the context of the total argument, the issues in the case, the evidence addressed in the argument, and the instructions given to the jury." ^{FN14} Because Flores did not object below, reversal is warranted only if Flores can both prove the existence of prosecutorial misconduct, that it was material to the outcome of the trial, and that it could not have been easily remedied, such as through curative instructions. ^{FN15} "[R]eversal is not required unless the misconduct was so flagrant and ill intentioned that a curative instruction could not have obviated the resulting prejudice." ^{FN16} Flores' claim of prosecutorial misconduct lacks merit.

^{FN14}. *State v. Brown*, 132 Wash.2d 529, 561, 940 P.2d 546 (1997)

^{FN15}. *RAP 2.5(a); State v. Suarez-Bravo*, 72 Wash.App. 359, 366-67, 864 P.2d 426 (1994).

^{FN16}. *Suarez-Bravo*, 72 Wash.App. at 367, 864 P.2d 426 (citing *State v. Belgarde*, 110 Wash.2d 504, 507, 755 P.2d 174 (1988)).

Assuming arguendo the prosecutor had engaged in misconduct, Flores must establish prejudice as well. When testifying, Flores recounted a very different scenario from that testified to by the officer. The prosecutor asked the jury to consider both Officer

Popochock's and Flores' credibility and the relative merits of their testimony. Credibility of witnesses is a matter for the jury. Further, it is permissible to make statements based on inferences reasonably drawn from the evidence. ^{FN17} Here, we find no prejudice.

^{FN17}. *State v. Wright*, 76 Wash.App. 811, 826, 888 P.2d 1214 (1995), superseded by statute on other grounds by *RCW 9.94A.360(6)*.

The trial court is affirmed.

WE CONCUR: ELLINGTON and BECKER, JJ.
Wash.App. Div. 1, 2009.
State v. Flores
Not Reported in P.3d, 2009 WL 1419691 (Wash.App. Div. 1)

END OF DOCUMENT

EXPLANATION OF INFLATIONARY CALCULATIONS

CPI. An inflationary indicator that measures the change in the cost of a fixed basket of products and services, including housing, electricity, food, and transportation. The CPI is published monthly. The CPI measures inflation as experienced by consumers in their day-to-day living expenses;

The CPI-U, consumer price index for all urban consumers, is the broadest and most comprehensive measure. It covers all urban wage earners, is not tied to one geographical region or a specialized basket of products and services.

Formula = Fee times annual CPI-U rate change from the base year (1992 or 2005) through 2010.

The following fees were used for the inflationary calculations:

- (A) The existing fee in 1992 if the fee was raised in 1992 or earlier - adjusted for inflation for 2005 and 2009 **OR**
- (B) The existing fee from the last year the fee was increased if the increase was after 1992 but before 2005 - adjusted for inflation for 2005 and 2009 **AND**
- (C) The existing fee in 2005, regardless of whether that fee was increased in 2005 - adjusted for inflation for 2009

Example -

Courts of Limited Jurisdiction Civil Filing Fee

- A \$31 filing fee in 1992 would have increased to \$43.14 by 2005
- A \$31 filing fee in 1992 would have increased to \$47.41 by 2009
- A \$31 filing fee in 1992 would increase to approximately \$48.50 by the end of 2010
- A \$43 filing fee in 2005 would have increased to \$47.26 by 2009
- A \$43 filing fee in 2005 would increase to approximately \$48.34 by the end of 2010

Superior Courts Civil Filing Fee

- A \$110 filing fee in 1992 would have increased to \$153.09 by 2005
- A \$110 filing fee in 1992 would have increased to \$168.24 by 2009
- A \$110 filing fee in 1992 would increase to approximately \$172.11 by the end of 2010
- A \$200 filing fee in 2005 would have increased to \$219.79 by 2009
- A \$200 filing fee in 2005 would increase to approximately \$224.85 by then end of 2010

CPI information can be found at <http://www.bls.gov/cpi/>.

Note: This calculation is not Washington/Seattle-specific but is based on the CPI-U.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Appellate Filing Fee	Appeal	\$250	Pre 1992 - \$125 1992 - \$250	\$275	100% state	RCW 2.32.070
Copies of Opinions		\$.20 per folio		\$.22		
Admission to Practice Certificate		\$5		\$5.50		
Review of decision terminating review		\$200	Pre 1992 - \$100 1992 - \$200	\$220		
Civil Filing Fee	CLJ	\$43 + \$20 JSTA surcharge (plus any surcharge authorized by RCW 7.75.035)	1961 - \$4 1969 - \$6 1980 - \$12 1981 - \$20 1987 - \$25 1990 - surcharge 1992 - \$31 (plus \$10 DRC surcharge in many counties) 2005 - \$43 2009 - \$20 JSTA	\$47	48.63% local 19.37% law library 32% state JSTA surcharge not subject to above split - 100% state.	RCW 3.62.060(1)
Counter Cross Third Party		\$43 + \$20 JSTA surcharge		\$47		
Writ or Garnishment Fee	CLJ	\$12	1992 - \$6 2005 - \$12	\$13	68% local 32% state	RCW 3.62.060(2)
Supplemental Proceeding	CLJ	\$20	1992 - \$12 2005 - \$20	\$22	68% local 32% state	RCW 3.62.060(3)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Jury Demand Fee - Civil	CLJ	\$125	1992 - \$50 2005 - \$125	\$137	68% local 32% state	RCW 3.62.060(4)
Transcript Preparation Fee	CLJ	\$20	1992 - \$6 2005 - \$20	\$22	68% local 32% state	RCW 3.62.060(5)
Document certification	CLJ	\$5	1992 - \$5	\$5.50	68% local 32% state	RCW 3.62.060(6)
Certified Copy	CLJ	\$5 for 1 st page \$1 for each additional page	2009		68% local 32% state	RCW 3.62.060(7)
Authentication		\$2/page with seal \$0.50/page w/o seal				
Copying a document w/o seal		\$.25/page				
Copies made to CD		\$20				
Preparing Record	CLJ	\$40 plus cost of tape duplication	1992 - \$40	\$44	68% local 32% state	RCW 3.62.060(8)
Ex parte orders, searches, reports	CLJ	\$20/hr or portion	2009		68% local 32% state	RCW 3.62.060(9)
Duplication of tape	CLJ	\$10	1992 - \$10	\$11	68% local 32% state	RCW 3.62.060(10)
Abstract of judgment	CLJ	\$43	2007 - \$43	\$47	68% local 32% state	RCW 3.62.060(11)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Service fee for faxed documents	CLJ	\$3 for 1 st page \$1 each additional	2009		68% local 32% state	RCW 3.62.060(12)
Cost upon conviction	CLJ	\$43	2005 - \$43	\$47	68% local 32% state	RCW 3.62.085
Jury Fee-Criminal	CLJ	\$125 6-person CLJ	1862 - \$6 1977 - \$25 2005 - \$125	\$137	100% local	RCW 12.12.030
Small Claims Filing Fee	CLJ	\$14 + \$10 JSTA surcharge	1919 - \$1 1980 - \$5 1981 - \$10 2005 - \$14 2009 - \$10 JSTA	\$15	68% local 32% state JSTA surcharge not subject to above split -- 100% state	RCW 12.40.020
Courthouse Facilitator Filing Fee Surcharge - Applied to all superior court cases filed under Title 26 RCW.	SC	Up to \$20 - as set by local legislative authority	1993 - \$10 (Up to \$10 as set by local legislative authority) 2005 - \$20	\$22	100% County dedicated account	RCW 26.12.240

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Law Library portion of civil filing fees	SC	\$17 *See cite	1919 - \$1 1937 - \$1.50 1961 - \$3 1979 - \$7 1992 - \$12 2005 - \$17	\$19	A set amount of filing fee applied to local law library fund	RCW 27.24.070 *Amount of filing fee dedicated to law library may be increased up to \$20, or if multiple law library sites, up to \$30 by local legislative authority
	CLJ	\$7	1953 - \$1.50 1979 - \$3 1992 - \$6 2005 - \$7	\$8		
Transcript/Abstract Filing Fee	SC	\$20	1995 - \$15 2005 - \$20	\$22	54% local 46% state	RCW 36.18.012(2)
Document Filing Fee	SC	\$20	1995 - \$20	\$22	54% local 46% state	RCW 36.18.012(3)
Unlawful Detainer Answer Filing Fee	SC	\$112 when answer filed	1987 - \$48 1992 - \$80 2005 - \$112 Note: civil filing fee of \$78 was divided for unlawful detainers in 1989 – see also sec. 19 (2) (a)	\$123	54% local 46% state	RCW 36.18.012(4) (previously 36.18.020)
Unlawful Detainer Third-party, Counter or Cross Claim	SC	\$45 + \$112 = \$157 (Total filing fee amount) + 30 JSTA	2006 – total filing fee 2009 - \$30 JSTA	\$173	54% local 46% state	RCW 36.18.012(5) RCW 36.18.020

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Restrictive Covenant, Petition to Strike Discriminatory Provisions	SC	\$20	1995 - \$20	\$22	54% local 46% state	RCW 36.18.012(6)
Will Filing, No Probate	SC	\$20	1995 - \$20	\$22	54% local 46% state	RCW 36.18.012(7)
Non-Judicial Probate Dispute w/in Existing Case	SC	\$20	1995 - \$2 2005 - \$20	\$22	54% local 46% state	RCW 36.18.012(8)
Common Law Lien Petition	SC	\$35	1996 - \$35	\$38	54% local 46% state	RCW 36.18.012(9)
Tax Warrant	SC	\$20	2001 - \$5 2003 - \$20	\$22	54% local 46% state	RCW 36.18.012(10)
Modification Filing Fee	SC	\$36	1995 - \$20 2005 - \$36	\$40	100% local	RCW 36.18.016(2)(a)
Petition for Dissolution		\$30 (in addition to filing fee)	2005 - \$30	\$33	\$24 to DV prevention account, \$ 5.70 to community DV, \$.30 to court	RCW 36.18.016(2)(b)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Jury Fee - Civil	SC	\$125 6-person	1992 - \$25 1995 - \$50 1999 - \$125	\$137	100% local	RCW 36.18.016(3)(a)
		\$250 12-person	1992 - \$50 1995 - \$100 1999 - \$250	\$275		RCW 36.18.016(3)(a)
Jury Fee - Criminal	SC	\$125 6-person	1999 - \$50 2005 - \$125	\$137	100% local	RCW 36.18.016(3)(b)
		\$250 12-person	1999 - \$100 2005 - \$250	\$275		RCW 36.18.016(3)(b)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Certified Copies Fee	SC	\$5 / \$1	1995 - \$2/\$1 2005 - \$5/\$1	\$5.50 \$1.10	100% local	RCW 36.18.016(4)
Authentication w/seal		\$2 for each add'l seal	Pre2005 - \$1 2005 - \$2	\$2.20		
Copies of paper documents without a seal		\$0.50/pg	2005 - \$.50	\$.55		
Copies of electronic documents without a seal		\$0.25/pg	2005 - \$.25	\$.27		
Copies made onto a compact disk		\$20/disk	2005 - \$20	\$22		
Executing a Certificate	SC	\$2	1995 - \$2	\$2.20	100% local	RCW 36.18.016(5)
Affidavit for Garnishment	SC	\$20	1995 - \$20	\$22	100% local	RCW 36.18.016(6)
Supplemental Proceeding	SC	\$20	2005 - \$20	\$22	100% local	RCW 36.18.016(7)
Approving a Bond	SC	\$2	1995 - \$2	\$2.20	100% local	RCW 36.18.016(8)
Certificate of Qualification	SC	\$2	1995 - \$2	\$2.20	100% local	RCW 36.18.016(9)
Clerk's Services	SC	\$30/hr	\$20 2009 - \$30	\$22	100% local	RCW 36.18.016(11)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Ex Parte Orders	SC	\$30	\$20 per hr or portion 2009 - \$30 flat rate	\$22	100% local	RCW 36.18.016(12)
Recording of Proceedings	SC	\$10/audio	1995 - \$10	\$11	100% local	RCW 36.18.016(13)
Disclaimer Filing Fee	SC	\$25 video \$0	1995 - \$25 1995 - \$2 2005 - \$0	\$27	100% local	RCW 11.86.031(4) RCW 36.18.016(13) (formerly)
Torrens Act/Land Titles	SC	\$20	1995 - \$5 2005 - \$20	\$22	100% local	RCW 65.12.780 RCW 90.03.180 RCW 60.04.081 RCW 36.18.016(14)
Extension Of Judgment Filing Fee	SC	\$200	1995 - \$110 2005 - \$200	\$220	100% local	RCW 36.18.016(15)
Facilitator Surcharge	SC	\$20 (up to)	1995 - \$10 2005 - \$20	\$22	100% local	RCW 36.18.016(16)
Water Rights Statement	SC	\$25	1995 - \$25	\$27	100% local	RCW 26.12.240 RCW 36.18.016(17)
Claim of frivolous lien	SC	\$35	2005 - \$35	\$38	100% local	RCW 36.18.016(18) *Fee already established at \$35 under RCW 60.04.081
Change of Venue	SC	\$20	2005 - \$20	\$22	100% local	RCW 36.18.016(19) 4.12.090

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Faxed Documents	SC	\$5/\$1	1995 - \$3/\$1 2009 - \$5/\$1	\$3.30/\$1.10 \$5.50/\$1.10	100% local	RCW 36.18.016(20)
Clerk's Papers	SC	\$.50/page	1995 - \$.50	\$.55	100% local	RCW 36.18.016(21)
Mandatory Arbitration	SC	\$200 (as established by local ordinance)	2000 - \$120 2002 - \$200	\$220	100% local	RCW 36.18.016(25)
Trial De Novo	SC	\$250 (as established by local ordinance)	1999 - \$250	\$275	100% local	RCW 36.18.016(26)
Filing of a will or codicil	SC	\$20	2005 - \$20	\$22	100% local	RCW 36.18.016(28)
LFO fee	SC	\$100 annually	2009		100% local	RCW 36.18.016(29) RCW 9.94A.780
Dissolution Surcharge	SC	\$20	2007 - \$20		100% local	RCW 36.18.016(30) RCW 26.12.260
Appellate Review under RAP 5.1(b)		\$250 + \$30 JSTA surcharge	1995 - \$250 2009 - \$30 JSTA	\$275	100% state JSTA surcharge not subject to split – 100% state	RCW 36.18.018(2)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Civil Filing Fee	SC	\$200 + \$30 JSTA surcharge	1854 - \$0.10 1903 - \$4 1951 - \$5 1961 - \$15 1970 - \$25 1972 - \$32 1977 - \$45 1980 - \$60 1981 - \$70 1987 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(a)
Unlawful Detainer Filing Fee		\$45 plaintiff + \$30 JSTA surcharge	1989 - \$30 2005 - \$45 2009 - \$30 JSTA Note: civil filing fee of \$78 was divided for unlawful detainer actions in 1989 – see also sec. 17 (4)	\$49	JSTA surcharge not subject to above split – 100% state	

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Lower Court (CLJ) Appeal	CLJ	\$200 + \$20 JSTA surcharge	Pre 1992 - \$78 1992 - \$110 2005 - \$200 2009 - \$20 JSTA	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(b)
Petition for Judicial Review	SC	\$200 + \$30 JSTA surcharge	1995 - \$110 2005 - \$200 2009 - \$30 JSTA	\$220	JSTA surcharge not subject to above split – 100% state 43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(c)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Anti-Harassment Filing Fee	SC	\$53	1995 - \$110 2000 - \$41 2005 - \$53	\$58	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(d)
	CLJ	\$43 (plus \$10 DRC surcharge in many counties)	Same as civil filing fees in District Courts.	\$47	CLJ distribution is: 48.63% local 19.37% law library 32% state	RCW 10.14.040
Notice of Debt Due Under 7.68.120(2)	SC	\$200 + \$30 JSTA surcharge	1996 - \$110 (prior was water rights fee) 2005 - \$200 2009 - \$30 JSTA	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(e)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Probate Proceedings	SC	\$200 + \$30 JSTA surcharge	Pre 1992 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(f)
Will Contest Filing Fee	SC	\$200 + \$30 JSTA surcharge	1903 - \$25 1961 - \$15 1970 - \$25 1972 - \$32 1977 - \$45 1980 - \$60 1981 - \$70 1987 - \$78 1992 - \$110 2005 - \$200 2009 - \$30 JSTA	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state JSTA surcharge not subject to above split – 100% state	RCW 36.18.020(2)(g)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.

Trial Court Fees

Fee Description	Court Level	Fee Amount	Fee History	Inflationary Amount*	Distribution	Cite
Criminal Filing Fee	SC	\$200	1963 - \$15 1970 - \$25 1972 - \$32 1980 - \$60 1981 - \$70 1992 - \$110 2005 - \$200	\$220	43.09% local 10.91% law library (percentage depends on law library amount designated by county legislative authority) 46.00% state	RCW 36.18.020(2)(h)

* NOTE: Inflationary rate of 9.9% is calculated using the CPI-U from 2005-2009 rounded to the nearest dollar.