

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, MAY 21, 2010  
9:30 A.M.**

**AOC SEATAC OFFICE  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Barbara Madsen**, 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 Deborah Fleck**  
Superior Court Judges' Association  
King County Superior Court

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

**Justice Susan Owens**  
Supreme 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 Stephen Warning**, President  
Superior Court Judges' Association  
Cowlitz County Superior Court

**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

**Judge Laura Inveen**, President-Elect  
Superior Court Judges' Association  
King County Superior Court

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Mr. Salvador Mungia**, President  
Washington State Bar Association

**Judge Dennis Sweeney**, Presiding Chief  
Judge  
Court of Appeals, Division III

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

# Board for Judicial Administration

May 21, 2010  
9:30 a.m. – 11:00 a.m., Regular Meeting  
11:00 a.m. – Noon, Executive Session  
AOC SeaTac Office  
SeaTac, Washington

## Agenda

1. Call to Order	Chief Justice Barbara Madsen Judge Michael Lambo	
2. Welcome, Introductions and Recognition of Outgoing Members	Chief Justice Barbara Madsen Judge Michael Lambo	
<b>Action Items</b>		
3. April 16, 2010 Meeting Minutes <b>Action: Motion to approve the minutes of the April 16 meeting</b>	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. BJA Best Practices Committee Nominations <b>Action: Motion to appoint Ms. Holli Spanski, Ms. Tina Marusich, and Judge Michael Lambo to the BJA Best Practices Committee</b>	Ms. Mellani McAleenan	Tab 2
5. BJA Court Security Committee Nominations <b>Action: Motion to appoint Ms. Sonya Kraski, Judge Debra Hayes, Justice James Johnson, and Captain Rick Rochleau to the BJA Court Security Committee</b>	Ms. Mellani McAleenan	Tab 3
6. Justice in Jeopardy Implementation Committee Nominations <b>Action: Motion to appoint Ms. Yvonne Pettus, Mr. Stanley Bastian, and Judge Thomas McPhee to the Justice In Jeopardy Implementation Committee</b>	Ms. Mellani McAleenan	Tab 4
<b>Reports and Information</b>		
7. Public Financing of Supreme Court Campaigns	Representative Marko Liias Mr. Craig Salins Mr. John King	Tab 5
8. Kitsap County Court Interpreter Issue	Justice Susan Owens	Tab 6
9. Boards and Commissions Bill HB 2617	Mr. Ramsey Radwan	Tab 7

10. Pro Tem Funds for Association Presidents	Mr. Ramsey Radwan	
11. Judicial Stabilization Trust Account	Ms. Mellani McAleenan	Tab 8
12. BJA Public Trust and Confidence Committee Report	Justice Mary Fairhurst	Tab 9
13. Due to time constraints and the number of other important issues on the agenda, there will be no oral reports from the Access to Justice Board, Washington State Bar Association, Courts, Associations, and Administrative Office of the Courts		Tab 10
14. Other Business Next meeting: June 18 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Michael Lambo	



**Board for Judicial Administration  
Meeting Minutes**

**April 16, 2010  
AOC SeaTac Office  
SeaTac, Washington**

**Members Present:** Chief Justice Barbara Madsen, Chair; Judge Michael Lambo, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ronald Culpepper; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Mr. Sal Mungia; Judge Jack Nevin; Judge Glenn Phillips; Judge Dennis Sweeney; Judge Stephen Warning; and Judge Christopher Wickham

**Guests Present:** Mr. M. Wayne Blair, Ms. Candice Bock, Ms. Jeri Cusimano (by phone), Ms. Marti Maxwell, and Ms. Barb Miner

**Staff Present:** Ms. Beth Flynn, Ms. Mellani McAleenan, and Mr. Chris Ruhl

The meeting was called to order by Judge Lambo.

February 19, 2010 Meeting Minutes

**It was moved by Judge Dubuisson and seconded by Judge Phillips to approve the February 19, 2010 meeting minutes as written. The motion carried.**

BJA Best Practices Committee Nomination

**It was moved by Judge Culpepper and seconded by Judge Derr to appoint Judge Linda Krese to the BJA Best Practices Committee. The motion carried.**

Court Closure/Hours of Operations

Chief Justice Madsen reported that the last time the BJA discussed this issue it was agreed that the associations would discuss it and bring information back to the BJA. She stated that perhaps a BJA committee should be established to define what an "open" court is and whether it is the BJA's role to define that.

There was discussion about what is/is not considered an open court and the best route to take to come up with a definition.

**It was moved by Judge Fleck and seconded by Judge Phillips to establish a committee to determine the definition of an open court or determine when a court can be closed. The motion carried with Judge Wickham abstaining.**

The committee will be composed of members from the following groups: District and Municipal Court Management Association (DMCMA), Washington State Association of County Clerks (WSACC), Association of Washington Superior Court Administrators (AWSCA), District and Municipal Court Judges' Association (DMCJA), Superior Court Judges' Association (SCJA), and Court of Appeals (COA). Mr. Hall will draft a committee charter and circulate it.

#### Immigration Arrests in Courtrooms

Judge Mary Yu sent Chief Justice Madsen a copy of a policy that King County adopted regarding courtroom arrests based on immigration status. Because they adopted the policy they were able to get more cooperation with Homeland Security regarding arrests than they would have received without the policy.

The Gender and Justice Commission will establish an advisory group to identify current issues and practices regarding immigration issues in the courts. Chief Justice Madsen wants to determine how active the Board wants to be in participating in this advisory group.

**It was moved by Judge Phillips and seconded by Judge Derr to appoint BJA members to serve on the Gender and Justice Commission advisory group regarding immigration issues in courts. The motion carried.**

Judge Fleck and Judge Lambo volunteered to serve on the advisory group. If anyone else would like to serve, please contact Mr. Hall.

#### Budget Update

A high-level summary of the judicial branch budget was distributed in the meeting materials.

The Administrative Office of the Courts (AOC) received a supplemental appropriation for the Judicial Information System Committee (JISC) operational plan. AOC also received funding for the Office of Public Guardianship. The Guardianship program is still in a deficit situation for the next biennium but AOC is very grateful for the additional funding this year.

AOC's budget was reduced 4.9% and AOC will share the reduction equally with the pass-through funds.

### Legislative Update

Ms. McAleenan gave a legislative update on the bills the BJA took a position on.

- The bill to modify interpreter oath requirements passed almost unanimously and hopefully it will save some time and costs in courtrooms.
- The bill to increase the number of judicial positions in Yakima County Superior Court did not pass. The BJA will probably be back with this request next year.
- The BJA was not successful in passing the municipal courts bill but there was a good editorial in the Olympian about that bill. Ms. McAleenan will forward it to the BJA members.
- The BJA tried to keep toll infractions in the court system but were not successful in retaining that authority in the judicial branch. The Washington State Department of Transportation (WSDOT) will adjudicate the infractions. At some point in the future those infractions will move from Pierce County District Court to the WSDOT. The good news is that AOC does not have to come up with a JIS solution since it will not be going through the courts.

Chief Justice Madsen reported on the domestic violence bill, ESHB 2777. It places a burden on the courts and AOC to do the following:

- Pattern forms developed for this legislation have to be substantially in compliance with forms developed by the AOC.
- Provide a procedure for victims to rescind or modify no contact orders.
- Reconciliation of duplicate no contact orders and protection orders.
- Develop a workgroup to address the issue of transmitting information regarding revocation of concealed pistol licenses, upon entry of orders issued under chapter 10.99, 26.50, or 26.52 RCW. Anyone interested in participating in this work group should contact Chief Justice Madsen or Ms. Myra Downing at AOC.

### Boards and Commissions Bill HB 2617

Mr. Ramsey Radwan is putting together a group to determine how HB 2617 applies to the boards and commissions supported by AOC and how to implement it. The bill regulates the different types of boards and commissions and travel expenses might not be covered for some judicial branch boards and commissions.

At the May BJA meeting, AOC will have a complete understanding of the bill and know if meeting formats need to be adjusted, exceptions need to be made, or meeting costs need to be paid out of the BJA private funds. AOC has yet to make the final determination on if, in fact, the BJA falls under this legislation.

### BJA Public Records Act Work Group Update

The BJA created the Public Records Act (PRA) Work Group. The charge is to make a recommendation regarding how the PRA should apply to the administrative records of the judicial branch as defined by GR 31 (c) (2).

The threshold review of the court rule is that as it applies to case rules, it appears to be adequate. Work Group members are identifying chambers records and administrative records. The AOC staff is gathering retention schedules. There are six meetings scheduled between now and September.

### Access to Justice Board

Mr. Blair reported that the annual Access to Justice Conference will be held June 4-6 in Wenatchee. The theme is "Transformation: Crisis and Opportunity." Judge Steven González will become Chair of the Access to Justice Board, replacing Mr. Daniel Gottlieb.

### Washington State Bar Association (WSBA)

Mr. Mungia will be in Washington DC next week to speak with senators and representatives regarding access to justice issues.

The next meeting of the WSBA Board of Governors (BOG) will be in Port Angeles on April 23 and 24.

Ms. Littlewood discussed the WSBA Moderate-Means Program which has attorneys take cases for \$50-\$75 an hour for people with incomes 200% to 400% above the poverty level who might not otherwise be able to afford an attorney. The program will use lawyers and law students for client interviews. The University of Washington might tie the program into the curriculum.

### Reports from the Courts

**Supreme Court:** Chief Justice Madsen reported that the Supreme Court justices will be attending the Access to Justice and Bar Leaders Conference for a roundtable discussion. They are trying to organize an ad hoc group to talk about GR 34 and GR 35. The ATJ Board is concerned with GR 35.

The Supreme Court is headed to Big Bend Community College in Moses Lake for oral arguments in May.

The Supreme Court just returned from the Appellate Judges' Spring Program in Chelan. It was well done and there was one full day devoted to science—in the courtroom and brain development as it pertains to criminal behavior.

The Secretary of State's Office is not printing a primary voter pamphlet this year due to funding reductions and it is unlikely that AOC will be able to absorb the cost. Chances are good that there will not be a printed primary voter pamphlet but AOC has been in contact with the Secretary of State's office and they will provide an online voter pamphlet. AOC is hoping to get the online link to editorial boards and they can also alert the public to the Voting for Judges Web site.

**Court of Appeals:** Judge Sweeney reported that the Court of Appeals is going through some transition with new personnel. Judge Susan Agid retired and Judge Michael Spearman was appointed by Governor Chris Gregoire to replace her. At Division II, Judge Elaine Houghton retired and the Governor's announcement regarding a replacement should be soon. Judge John Schultheis retired from Division III last year and the Governor appointed Judge Laurel Siddoway as his replacement.

**Superior Courts:** Judge Warning reported that the SCJA is working a request through the JIS process; they have enough judges attending the spring conference that they will not have funding issues; and the legislative session could have been better but could have been worse.

**Courts of Limited Jurisdiction:** The DMCJA found out that the Department of Licensing (DOL), because of the errors they are receiving from courts of limited jurisdiction, took the position that if there is an error on the paperwork they receive they shred it and do not let anyone know. The DOL also eliminated the suspension of license information from the driving abstract. The DMCJA is asking Mr. Hall to contact the DOL to request that they officially add this back to the abstract.

The DMCJA Spring Conference is coming up May 23-26.

#### Association Reports

**County Clerks:** The WSACC was honored to send a representative, Ms. Betty Gould, to a Restitution Roundtable in Washington, D.C. at the invitation of the National Center for Victims of Crime.

**Superior Court Administrators:** This is Ms. Maxwell's next to last meeting of the BJA. Ms. Delilah George is the incoming president. Ms. Maxwell has appreciated attending the BJA meetings and learned a lot. She is looking forward to the upcoming AWSCA spring conference.

Administrative Office of the Courts

The conference season is upon the staff at AOC and the legislative session is over and the budget is out. Mr. Hall recognized the tremendous work of the AOC staff for their work with legislative staff, fiscal notes, reviewing bills, and working with the Office of Public Defense and the Office of Civil Legal Aid throughout the session.

The Information Services Director, Gregg Richmond, resigned earlier this week. The job has been posted and Mr. Hall will review applications in the next few weeks. The JISC has adopted a new governance framework.

Other Business

**BJA Account Report:** Ms. McAleenan reported that there is just under \$20,000 in the BJA account. There are still close to 200 judges who have not responded to the dues notice. A dues reminder will be sent.

There being no further business the meeting was adjourned.



**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Holli Spanski, Lewis County Juvenile Court Administrator

**Nominated By:** Sharon Paradis, WAJCA President  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2010

**Term End Date:** June 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      One: June 2008 – June 2010

**Additional information you would like the BJA to be aware of regarding the nominee:**  
**Ms. Spanski has served as a highly valuable liaison between the Juvenile Courts and the Best Practices Committee. WAJCA is very grateful for her commitment to this work and for her willingness to serve an additional term.**

Please send completed form to:  
  
Beth Flynn  
Administrative Office of the Courts  
PO Box 41174  
Olympia, WA 98504-1174  
[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Tina Marusich

**Nominated By:** Jeri Cusimano, DMCMA President  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2010

**Term End Date:** June 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      One term – June 2008/June 2010

**Additional information you would like the BJA to be aware of regarding the nominee:**

Ms. Marusich has graciously agreed to remain on the committee. We greatly appreciate her commitment and dedication.

Please send completed form to:

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PO Box 41174  
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**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Michael Lambo

**Nominated By:** DMCJA  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** 7/2010

**Term End Date:** 6/2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      1 term, 7/2008-6/2010

**Additional information you would like the BJA to be aware of regarding the nominee:**

Judge Lambo is looking forward to serving another term.

Please send completed form to:

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**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Court Security  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Sonya Kraski, Snohomish County Clerk

**Nominated By:** WSACC  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** July 1, 2010

**Term End Date:** June 30, 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      One term; July 1, 2008 to June 30, 2010

**Additional information you would like the BJA to be aware of regarding the nominee:**

Ms Kraski's experience as a clerk and interest in the work of the Committee make her well qualified for the appointment.

Please send completed form to:

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**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Court Security  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Debra Hayes

**Nominated By:** DMCJA  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** 7/2010

**Term End Date:** 6/2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the nominee:**

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Olympia, WA 98504-1174  
[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Court Security  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Justice James M. Johnson

**Nominated By:** Supreme Court  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** July 1, 2010

**Term End Date:** June 30, 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the nominee:**

Justice Johnson has expressed interest in serving. In addition, he spent two years in the military where he served as a Top Secret control officer and Dive Team commander and is familiar with munitions.

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# WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Dr NE Lacey, WA 98516 PHONE (360) 486-2380 FAX (360) 486-2381 WEBSITE – [www.waspc.org](http://www.waspc.org)

Serving the Law Enforcement Community & the Citizens of Washington



May 12, 2010

The Honorable Barbara Madsen, Chair  
Board for Judicial Administration  
PO BOX 41174  
Olympia, WA 98504-1174

The Honorable Michael Lambo, Member Chair  
Board for Judicial Administration  
PO BOX 41174  
Olympia, WA 98504-1174

Dear Chief Justice Alexander and Judge Churchill

RE: Appointment to the Board for Judicial Administration Court Security Committee

The Washington Association of Sheriffs and Police Chiefs (WASPC) would like to formally recommend the appointment of Captain Rick Rochleau of the Franklin County Sheriff's Office to the Board for Judicial Administration Court Security Committee.

Captain Rochleau can be contacted at (509) 545-5879 or [rrochleau@co.franklin.wa.us](mailto:rrochleau@co.franklin.wa.us).

If you have any questions regarding our recommendation please contact Ms. Jamie Yoder at (360) 486-2382 or [jyoder@waspc.org](mailto:jyoder@waspc.org).

Sincerely,

Sheriff John Didion, President  
Pacific County Sheriff's Office

Cc: Rick Coplen  
Rick Rochleau

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**President**  
**JOHN DIDION**  
*Sheriff – Pacific County*

**President Elect**  
**BRUCE BJORK**  
*Chief – WA Fish & Wildlife*

**Vice President**  
**MIKE HARUM**  
*Sheriff – Chelan County*

**Past President**  
**COLLEEN WILSON**  
*Chief – Port of Seattle*

**Treasurer**  
**TERRY DAVENPORT**  
*Chief – Shelton*

**ED HOLMES**  
*Chief – Mercer Island*

**TOM SCHLICHER**  
*Chief – Swinomish*

**Executive Board**  
**SAM GRANATO**  
*Chief – Yakima*

**SUE RAHR**  
*Sheriff – King County*

**BILL ELFO**  
*Sheriff – Whatcom County*

**MIKE HUMPHREYS**  
*Sheriff – Walla Walla County*

**RANDY STEGMEIER**  
*Chief – Western WA University*

**JOHN BATISTE**  
*Chief – WA State Patrol*

**LAURA LAUGHLIN**  
*SdC – FBI, Seattle*

**DONALD PIERCE**  
*Executive Director*



**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Justice in Jeopardy  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Yvonne Pettus

**Nominated By:** Jeri Cusimano, DMCMA President  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** February 2010

**Term End Date:** February 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      One term, Feb 2008 – Jan 2010

**Additional information you would like the BJA to be aware of regarding the nominee:**

Ms. Pettus has graciously agreed to this nomination. She has been a very valuable member of the committee and keeps our Association informed on a regular basis as to what is happening on the committee. We truly appreciate her hard work and dedication.

Please send completed form to:

Beth Flynn  
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PO Box 41174  
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[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Justice in Jeopardy Implementation Committee  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Stanley Bastian

**Nominated By:** Civil Legal Aid Oversight Committee  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** Spring 2010

**Term End Date:** January 13, 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the nominee:**

Stan is a former WSBA President, BJA member and incoming Chair of the Equal Justice Commission, a standing committee of the Access to Justice Board that educates the public and policy makers about the importance of civil legal aid.

Please send completed form to:

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Olympia, WA 98504-1174  
[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Justice in Jeopardy Implementation Committee  
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Judge Thomas McPhee

**Nominated By:** SCJA  
(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** Back dated to February 1, 2010

**Term End Date:** January 31, 2012

**Has the nominee served on this subcommittee in the past?**      Yes       No

**If yes, how many terms have been served and dates of terms:**      1term – Feb 2008 through Feb 2010

**Additional information you would like the BJA to be aware of regarding the nominee:**

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Olympia, WA 98504-1174  
[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)



The Supreme Court  
State of Washington

BARBARA A. MADSEN  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2037  
FAX (360) 357-2085  
E-MAIL J.B.MADSEN@COURTS.WA.GOV

March 5, 2010

Honorable Frank Chopp  
Speaker of the House  
Washington State House of Representatives  
339C Legislative Building  
P.O. Box 40600  
Olympia, WA 98504-0600

Re: E2SSB 5912, concerning public funding for Supreme Court campaigns

Dear Speaker Chopp:

I am writing in my role as chief justice to respectfully request that you do not pass E2SSB 5912, concerning public funding for Supreme Court campaigns this year. The Supreme Court supports ideas for election reform that would enhance the independence of the judiciary, but we are not convinced that public financing *per se* and this bill in particular serve that goal.

In addition, the judiciary, through the Board for Judicial Administration, has a long-standing position in opposition to funding the judicial branch through user fees. While we agree that the appearance of an independent judiciary is a vital general public good, opportunities to enhance the appearance of independence should be funded by general tax revenues. Moreover, the proposed court fee increase comes at a time when there is also pending legislation to add additional filing fees for other purposes. Together, these increases create serious access to justice concerns. We oppose the filing fee increases as the funding mechanism in this bill.

In light of the problematic funding mechanism as well as the court's concerns about the actual utility of this particular bill, we respectfully request that E2SSB 5912 not move forward this year. Thank you for your consideration. Please do not hesitate to contact me if you would like to discuss this matter in greater detail.

Sincerely,

Barbara A. Madsen  
Chief Justice

c: Representative Lynn Kessler  
Representative Kelli Linville  
Representative Jamie Pedersen

# Supreme Court Fair Elections bill

## Public financing of campaigns for Washington State Supreme Court

In West Virginia, a Supreme Court justice was elected with \$3 million in campaign aid from the CEO of Massey Energy, a coal mining company. A year later, that judge provided the deciding vote in a lawsuit to absolve the company of a \$50 million fine, imposed by a jury following illegal corporate behavior. Because of this outrageous case, the U.S. Supreme Court has decided that judges must recuse themselves in such egregious cases.

**Justice must never be for sale! - and judges should not have to raise large private sums to run for office. Integrity of our state's highest court is paramount. Equally important is *public confidence* in the fairness of the court - that decisions will never be made based on campaign financiers.**

Recent judicial elections nationwide show lavish spending by special interests on upper level judicial campaigns, with an increase in negative ads and campaign tactics. Meanwhile, polls reveal a concerned public, wanting assurance that courts won't be subject to influence by partisan or special-interest campaign contributions.

**Public financing achieves the desired result.** It's time to eliminate private campaign contributions as a predominant method to fund upper level judicial campaigns.

Let's enact the **Supreme Court Fair Elections bill**, to create a program of optional public financing of campaigns for seats on the Washington State Supreme Court.

## Washington State: Record-setting Campaign Spending in 2006

In Washington State in 2006, over \$4 million was spent by special interests - in contributions directly to candidates' campaigns (\$1.46 million) and in contributions buying independent ads and voter persuasion activities (\$2.73 million) - in attempt to influence the outcome of that year's supreme court races. In 2010, let's rise above this special influence!

## It's working in other states

**North Carolina** - In 2002, the legislature passed full optional public financing for statewide judicial elections, beginning in 2004. In its first cycle the program applied to five appellate court seats; 14 of 16 appellate court candidates sought to qualify, and 14 achieved the minimum qualifying contributions. Four of five winners used public financing. In 2006, 8 of 12 candidates for six seats used the program, including five of six winners.

Public financing is always voluntary for candidates - they can still run with traditional private financing - but it is increasingly popular among candidates and voters alike.

## Legislative Proposal: Supreme Court Fair Elections bill (HB 1738 / SB 5912)

The Supreme Court Fair Elections bill will create a public financing program, optional for candidates seeking election to the **supreme court only**. Candidates would qualify for public funds by raising at least \$41,055 in contributions of \$10-\$400, from at least 500 citizens. This qualifies them for a set sum for a primary race, and if they win, an additional sum for the general election - amounts sufficient to run a competitive, robust campaign.

If a candidate is outspent by a traditionally-funded opponent or faces opposition from independent PACs, they receive matching "rescue funds" - up to capped limits set in the bill.

The program would begin once \$3 million (per biennium) has been generated by a small surcharge of \$1 on court filing fees - **paid by users of the court, not by taxpayers.**

**Information:** [www.washclean.org](http://www.washclean.org) / [wpc@washclean.org](mailto:wpc@washclean.org) / 206-784-2522

# Summary of Key Features and Provisions of Proposed Judicial Bill

HB 1738 / SB 5912

## Public Financing of Campaigns for Positions on the State Supreme Court

*This summary prepared by Washington Public Campaigns, 1-11-10.  
Provisions and details subject to change.*

### Summary:

This is a bill to establish a pilot program of optional public financing of campaigns for the Washington State Supreme Court.

The legislative intent is to reduce the likelihood or appearance of corruption or undue influence by private special interest campaign contributions, and to preserve the integrity of, and public confidence in, the state's highest court, by allowing candidates the option of financing their campaigns solely or primarily on public funding.

### Qualifying for the program:

To qualify to participate in the program and receive public financing, candidates must:

- file an intent to participate and to abide by program requirements upon certification;
- as Qualifying Contributions, generate at least **\$41,055** (aggregate total, and indexed as twenty-five times the filing fee) from at least **500 contributors** who are natural persons and residents of Washington state, in amounts **at least \$10 but no more than \$400** (indexed as one-quarter of maximum campaign contributions allowed by state law)

### Seed funds available during qualifying period:

Candidates may use personal funds up to \$3,200 plus up to one-quarter of the Qualifying Contributions they collect, as "seed funds" to generate the necessary Qualifying Contributions.

### Campaign funds made available to participants (as specified in HB 1738 and SB 5912):

Amounts of campaign grants will be set by rule, based on the number of candidates filing for office.

**Primary election:** Not to exceed 100 times the filing fee (= \$164,221)

For uncontested races, the grant is 4 times the filing fee (= \$6,569), plus all QC's collected.

**General election campaign:** Base grant for primary winners, 125 times the filing fee (= \$205,276).

### Rescue funds provided; upper limit specified; up to 60% available in primary:

Supplemental "rescue funds" are provided, up to a set upper limit (500 times filing fee overall), to match overspending by opponents or to match IE spending by 527s, etc.

Up to 75 percent of maximum rescue funds may be claimed and used in the primary race - if triggered as described - or 100 percent of such rescue funds if the publicly-financed candidate has only one opponent.

### Funding source(s):

This program is proposed to be funded through a \$1 surcharge on selected court filing fees. Other sources as may be determined or authorized, including voluntary contributions.

### Minimum funding necessary to start:

This program will not become operational until a sum of at least \$3 million is appropriated and deposited in the state Judicial Election Reform Act Fund - a provision to assure the program will not be underfunded at the start

2SSB 5912 - S AMD 156

By Senator Oemig

1 Strike everything after the enacting clause and insert the  
2 following:

3 NEW SECTION. **Sec. 1.** INTENT. (1) The intent of this act is to  
4 protect the fairness of elections for the highest court in Washington  
5 state - the supreme court. Doing so will foster the public's trust in  
6 the integrity and independence of the court in the face of increasingly  
7 large sums of money raised and spent by special interest groups. That  
8 flood of money threatens the impartiality, independence, and  
9 credibility of our judiciary. To maintain public confidence in the  
10 judiciary, we must prevent not only corruption, but the appearance of  
11 corruption, for the judiciary is the one branch of government that must  
12 be uniquely impartial, independent, and unbiased in order to best serve  
13 the residents of Washington. It is destructive for our democracy to  
14 allow the court to become influenced by large amounts of money, and for  
15 our citizens to think that judicial decisions are influenced by those  
16 large amounts of money. This act is necessary to ensure that our  
17 highest courts continue to be unbiased and insulated from special  
18 interests.

19 (2) Therefore, this act, the judicial election reform act,  
20 introduces a voluntary pilot project to provide an alternative source  
21 of financing candidates for the Washington supreme court who  
22 demonstrate public support and voluntarily accept strict fundraising  
23 and spending limits.

24 (3) The provisions of this act must be broadly interpreted to carry  
25 out the purpose and intent of this act.

26 NEW SECTION. **Sec. 2.** DEFINITIONS. In addition to the definitions  
27 in RCW 42.17.020, the definitions in this section apply throughout  
28 sections 1 through 21 of this act unless the context clearly requires  
29 otherwise.

1 (1) "Contested election" means an election in which there are two  
2 or more candidates running for the same office whose names will appear  
3 on the ballot.

4 (2) "Nonparticipating candidate" means a candidate for supreme  
5 court justice who is on the ballot but has chosen not to apply for  
6 public funds from the judicial election reform act fund or a candidate  
7 who is on the ballot and has applied but has not been certified to  
8 receive public funds from the judicial election reform act fund.

9 (3) "Publicly financed candidate" means a candidate who becomes  
10 certified to receive public campaign funds under section 6 of this act.

11 (4) "Qualifying contribution" means a contribution in an amount of  
12 at least ten dollars, but no more than twenty-five percent of the  
13 maximum contribution limit allowed under RCW 42.17.645, made by a  
14 registered voter of the state, and is received during the qualifying  
15 period.

16 (5) "Qualifying period" means the period beginning February 1st of  
17 the election year and ending one week after the close of the regular  
18 filing period for the office.

19 (6) "Uncontested election" means an election in which a candidate  
20 running for a specified office has no opponent on the ballot.

21 NEW SECTION. **Sec. 3. JUDICIAL ELECTION REFORM ACT FUND.** (1) The  
22 judicial election reform act fund is created in the custody of the  
23 state treasurer. All receipts under sections 4 through 17 of this act  
24 required to be deposited into the fund must be deposited into the fund.  
25 Expenditures from the fund may be used only for the purposes of the  
26 judicial election reform act, sections 1 through 21 of this act. Only  
27 the commission may authorize expenditures from the fund. The fund is  
28 subject to allotment procedures under chapter 43.88 RCW, but an  
29 appropriation is not required for expenditures.

30 (2) When the funds in the account have been fully distributed, the  
31 commission must stop authorizing public fund disbursements under  
32 sections 12 and 13 of this act. No candidate may receive any  
33 disbursement of funds beyond those authorized under sections 12 and 13  
34 of this act, nor may any candidate receive any further disbursements of  
35 funds under sections 12 and 13 of this act when the appropriation has  
36 been exhausted. The commission may adopt rules to address distribution  
37 of remaining funds in the account for pending requests.

1 (3) The public disclosure commission and the administrative office  
2 of the courts may each recover costs for implementing sections 1  
3 through 21 of this act, up to a combined total of ten percent of the  
4 receipts collected under sections 4 through 17 of this act.

5 NEW SECTION. **Sec. 4.** VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR  
6 JUDICIAL CAMPAIGNS. A publicly financed candidate and a publicly  
7 financed candidate's authorized committee shall:

8 (1) Only accept contributions from individuals, and only as  
9 qualifying contributions under section 5 of this act;

10 (2) During the qualifying period and solely for the purpose of  
11 raising qualifying contributions, accept no more than two times the  
12 contribution limit under RCW 42.17.645 of the candidate's personal  
13 funds;

14 (3) Collect at least five hundred qualifying contributions that, in  
15 the aggregate total at least twenty-five times the filing fee for the  
16 office of supreme court justice in accordance with section 5 of this  
17 act;

18 (4) File the required reports regarding qualifying and expenditures  
19 to the commission;

20 (5) Expend only self-contributed funds or funds received from the  
21 judicial election reform act fund after being certified as a publicly  
22 funded candidate;

23 (6) Sign a joint statement with the treasurer of the publicly  
24 financed candidate's authorized committee, under oath, promising to  
25 comply with the provisions of this chapter; and

26 (7) Comply with the provisions of this chapter to the extent  
27 required for publicly funded candidates as prescribed by the  
28 commission.

29 NEW SECTION. **Sec. 5.** APPLICATION FOR CERTIFICATION. A candidate  
30 who wishes to receive public campaign funds must:

31 (1) File an application with the commission declaring his or her  
32 intent to participate in the program as a candidate for the supreme  
33 court. The application must be filed before or during the qualifying  
34 period. In the application, the candidate must affirm that only one  
35 political committee, identified with its treasurer, must handle all  
36 contributions, expenditures, and obligations for the publicly financed

1 candidate and that the candidate will comply with the provisions set  
2 forth in sections 1 through 21 of this act and rules adopted by the  
3 commission; and

4 (2) Obtain at least five hundred qualifying contributions not  
5 including self-contributed funds that, in the aggregate total at least  
6 twenty-five times the filing fee for the office by the end of the  
7 qualifying period. No payment, gift, or anything of value may be given  
8 in exchange for a qualifying contribution. A qualifying contribution  
9 must be:

10 (a) Made by a registered voter of the state;

11 (b) Made by a person who is not given anything of value in exchange  
12 for the qualifying contribution;

13 (c) In an amount of at least ten dollars but not more than twenty-  
14 five percent of the contribution limit allowed under RCW 42.17.645;

15 (d) Received during the qualifying period by the candidate or on  
16 behalf of the candidate; and

17 (e) Made by check, money order, or credit card.

18 NEW SECTION. **Sec. 6.** CERTIFICATION AS A PUBLICLY FINANCED  
19 CANDIDATE. (1) Upon receipt of an application, the commission must  
20 determine whether or not the candidate has complied with the following  
21 requirements:

22 (a) Signed and filed an application to participate;

23 (b) Submitted a report itemizing the qualifying contributions  
24 received. The report must include the name, home address, telephone  
25 number, and county of residence for each person who made a contribution  
26 and the date the contribution was received, and any other information  
27 required by the commission;

28 (c) Submitted a check or money order equal to the total qualifying  
29 contributions, less money expended for the purpose of raising  
30 qualifying contributions received by the candidate in accordance with  
31 section 7 of this act, made out to the judicial election reform act  
32 fund; and

33 (d) Submitted affidavits signed by persons collecting qualifying  
34 contributions stating that, to the best of his or her knowledge, the  
35 contribution was made by a registered voter of the state.

36 (2) Once the requirements in subsection (1) of this section are

1 met, the commission must verify that pursuant to section 5 of this act,  
2 a sufficient number of qualifying contributions were made by registered  
3 voters of the state at the time the contribution was made.

4 (3) The commission must determine if a candidate meets the  
5 requirements for public financing within seven calendar days of the  
6 filing of an application. If the requirements of subsection (2) of  
7 this section are met, the commission must certify the candidate for  
8 public financing. If the commission denies certification, it must  
9 provide written reasons why certification is denied. Any candidate who  
10 is denied certification may reapply one time by submitting the required  
11 information or the number of qualifying contributions needed to  
12 complete the certification within fourteen calendar days of the date of  
13 the commission's decision.

14 (4) A candidate who is certified as a publicly financed candidate  
15 may use that designation in campaign materials and will be so  
16 designated in the state voters' pamphlet.

17 NEW SECTION. **Sec. 7. QUALIFYING CONTRIBUTIONS.** A publicly  
18 financed candidate may expend money received as qualifying  
19 contributions, as well as the candidate's personal funds, to pay for  
20 expenses related to raising qualifying contributions. The amount of  
21 qualifying contributions used for this purpose may not exceed twenty-  
22 five percent of the minimum dollar amount of qualifying contributions  
23 required under section 5 of this act. Expenditures made for the  
24 purpose of this section must be reported as required under RCW  
25 42.17.080 and 42.17.090 or as determined by the commission by rule.

26 NEW SECTION. **Sec. 8. CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S**  
27 **AUTHORIZED COMMITTEE.** A publicly financed candidate and the publicly  
28 financed candidate's authorized committee must file the reports  
29 required pursuant to this chapter as determined by the commission.

30 NEW SECTION. **Sec. 9. USES OF PUBLIC FUNDS.** (1) Money in the  
31 account of a publicly financed candidate's authorized committee may  
32 only be used for purposes directly related to the candidate's campaign.

33 (2) Money in the account of a publicly financed candidate's  
34 authorized committee may not be used to pay fines or civil penalties,  
35 for costs or legal fees related to representation before the

1 commission, or for defense of an enforcement action under this chapter.  
2 Nothing in this chapter prevents a publicly financed candidate from  
3 having a legal defense fund.

4 NEW SECTION. **Sec. 10. RETURN OF FUNDS.** (1) If a candidate  
5 attempts to qualify for public funding but does not meet the threshold  
6 for qualification, withdraws from the program before certification, is  
7 denied certification under section 6 of this act, or revokes  
8 participation under section 11 of this act, the candidate must pay to  
9 the fund the total dollar amount of qualifying contributions received  
10 during the qualifying period, less money expended for the purpose of  
11 raising qualifying contributions and the candidate's own self-  
12 contributed funds in accordance with section 7 of this act.

13 (2) Publicly financed candidates must return all unused funds, less  
14 the candidate's own self-contributed funds, to the judicial election  
15 reform act fund within thirty calendar days of the date they are no  
16 longer a candidate.

17 NEW SECTION. **Sec. 11. REVOCATION.** (1) A publicly financed  
18 candidate may revoke in writing to the commission a decision to  
19 participate in the public financing program no later than June 30th in  
20 the year of the election. After a timely revocation, that candidate  
21 may accept and expend money outside the provisions of this act. Within  
22 thirty days after revocation, a candidate must return to the commission  
23 all money received from the judicial election reform act fund.

24 (2) A publicly financed candidate who revokes a decision to  
25 participate in the public financing program after the time period  
26 established in subsection (1) of this section must return all money  
27 received from the judicial election reform act fund and pay a fine of  
28 one thousand dollars per day for each day beyond the allowed revocation  
29 period and the day the candidate revokes.

30 NEW SECTION. **Sec. 12. CAMPAIGN FUNDING.** (1)(a) Within five  
31 business days after a publicly financed candidate's name is approved to  
32 appear on the primary ballot by the appropriate elections officer, the  
33 commission must authorize the state treasurer to distribute to the  
34 account of the authorized committee of each certified publicly financed  
35 candidate an amount set, by rule, based on the number of participating

1 candidates filing for office. No candidate may receive an amount  
2 greater than one hundred times the filing fee as established in RCW  
3 29A.24.091 for the primary.

4 (b) Within five business days after a publicly financed candidate's  
5 name is approved to appear on the general election ballot, the  
6 commission must authorize the state treasurer to distribute funds to  
7 the account of the authorized committee of each certified publicly  
8 financed candidate in an amount equal to one hundred twenty-five times  
9 the filing fee for the office as established in RCW 29A.24.091.

10 (c) Participating candidates in uncontested elections must receive  
11 four times the filing fee as established in RCW 29A.24.091, plus the  
12 net amount of qualifying contributions previously remitted to the  
13 commission pursuant to section 6(1)(c) of this act.

14 (2) A publicly financed candidate must return within ten calendar  
15 days to the judicial election reform act fund any amount distributed,  
16 less the candidate's own self-contributed funds, for an election that  
17 is unspent and uncommitted as of the date the candidate ceases to be a  
18 candidate or as of the date of the election, whichever occurs first.

19 (3) The commission must authorize and the state treasurer must  
20 distribute funds to publicly financed candidates in a manner that  
21 ensures accountability and safeguards the integrity of the fund.

22 NEW SECTION. **Sec. 13.** RESCUE FUNDS. (1) When a report is filed  
23 under this chapter or other evidence comes to the attention of the  
24 commission indicating that a nonparticipating candidate has raised more  
25 money than his or her publicly financed opponent has received in public  
26 funding, the commission must notify the publicly financed candidate of  
27 his or her eligibility for rescue funds.

28 (a) A publicly financed candidate may receive rescue funds equal to  
29 the difference between the total amount received by the  
30 nonparticipating candidate, less the nonparticipating candidate's own  
31 self-contributed funds, for each election and the amount received by  
32 the publicly financed candidate for each election. If there are  
33 multiple nonparticipating candidates who have raised more money than  
34 the publicly financed candidate has received, the publicly financed  
35 candidate is eligible for rescue funds based on the difference between  
36 the total amount raised by the nonparticipating candidate who has

1 received the most money, less that nonparticipating candidate's own  
2 self-contributed funds, and the amount received by the publicly  
3 financed candidate.

4 (b) The total amount a publicly financed candidate may receive in  
5 rescue funds is five hundred times the filing fee for the office. If  
6 rescue funds are triggered under this section, up to seventy-five  
7 percent of the funds are available to a publicly financed candidate for  
8 the primary election. If a publicly financed candidate is opposed by  
9 only one candidate, all of the authorized rescue funds may be used for  
10 the primary. A publicly financed candidate may determine when to  
11 access available rescue funds.

12 (2)(a) Independent expenditures and electioneering communications  
13 opposing a publicly financed candidate or supporting one or more  
14 nonparticipating opponents of a publicly financed candidate must be  
15 considered as contributions to each opposing candidate and the  
16 commission must authorize rescue funds pursuant to subsection (1) of  
17 this section to the publicly financed candidate.

18 (b) Independent expenditures and electioneering communications  
19 supporting a publicly financed candidate must be considered, for every  
20 opposing publicly financed candidate, as though the independent  
21 expenditures or electioneering communications were a contribution to a  
22 nonparticipating opponent and the commission must authorize rescue  
23 funds pursuant to subsection (1) of this section to each opposing  
24 publicly financed candidate.

25 (c) For purposes of this section, expenditures made by a  
26 nonparticipating candidate and independent expenditures and  
27 electioneering communications are deemed to have been made the day the  
28 independent expenditure or electioneering communication is contracted  
29 for, agreed to, or otherwise obligated.

30 (3) For purposes of this section, a candidate's own self-  
31 contributed funds do not trigger rescue funds and may not be considered  
32 in the calculation for rescue funds.

33 (4) If adequate funding is not available to fully equalize funding  
34 for publicly financed candidates under this section, the commission may  
35 authorize a lesser amount.

36 NEW SECTION. **Sec. 14. REPORTS.** (1)(a) Any nonparticipating  
37 candidate who has a publicly financed opponent must report total

1 contributions received, including self-contributed funds, to the  
2 commission electronically within twenty-four hours after the total  
3 amount of contributions received exceeds eighty percent of the amount  
4 authorized for publicly financed candidates under section 12 of this  
5 act, and must make subsequent reports as required by the commission to  
6 monitor contributions.

7 (b) Any person making independent expenditures or electioneering  
8 communications in excess of three thousand dollars in support of or  
9 opposition to a publicly financed candidate, or in support of a  
10 candidate opposing a publicly financed candidate, must file a report  
11 with the commission within twenty-four hours of the date the  
12 independent expenditure or electioneering communication is contracted  
13 for, agreed to, or otherwise obligated. The report must include the  
14 following information:

15 (i) The name and address of the sponsor;

16 (ii) The source of funds for the independent expenditure or  
17 electioneering communication;

18 (iii) Any other source information required by the commission by  
19 rule;

20 (iv) The name and address of the person to whom the independent  
21 expenditure or electioneering communication expenditure was made;

22 (v) A detailed description of the expenditure;

23 (vi) The date the expenditure was contracted for, agreed to, or  
24 otherwise obligated;

25 (vii) The amount of the expenditure; and

26 (viii) Any other information the commission may require.

27 (c) The commission may adopt rules implementing the provisions of  
28 this section, including rules that determine (i) whether filing under  
29 this section satisfies the filing requirements under other provisions  
30 of this chapter, and (ii) when the reporting requirements of this  
31 section are no longer warranted because a publicly financed candidate  
32 has received the maximum amount of rescue funds permitted by this  
33 section.

34 (2) Publicly financed candidates must report in accordance with  
35 rules adopted by the commission. A publicly financed candidate who  
36 revokes his or her participation in the program, who ceases to be a  
37 candidate, or who loses an election must file a final report with the  
38 commission and return any unspent disbursements received from the

1 judicial election reform act fund, less self-contributed funds. In  
2 developing reporting requirements for publicly financed candidates, the  
3 commission must use existing campaign reporting procedures when  
4 determined practicable by the commission.

5 (3) Any person who fails to report a contribution or expenditure as  
6 required by this section is subject to a civil penalty equal to the  
7 contribution or expenditure not reported.

8 (4) The commission must ensure prompt public access to the reports  
9 received under this section.

10 NEW SECTION. **Sec. 15.** DISQUALIFICATION FROM PROGRAM. If the  
11 commission finds that a publicly financed candidate or the publicly  
12 financed candidate's committee is accepting or expending money outside  
13 the provisions of section 4 of this act, the candidate is disqualified  
14 from the program, is subject to a civil penalty under RCW 42.17.390,  
15 and must return all money received from the judicial election reform  
16 act fund, less self-contributed funds.

17 NEW SECTION. **Sec. 16.** IMPLEMENTATION AND ENFORCEMENT DUTIES. In  
18 implementing the provisions of the judicial election reform act, the  
19 commission shall:

20 (1) Prescribe forms for reports, statements, notices, and other  
21 documents as required by sections 1 through 21 of this act;

22 (2) Prepare and publish instructions to facilitate compliance with  
23 sections 1 through 21 of this act and explaining the duties of persons  
24 and committees under sections 1 through 21 of this act;

25 (3) Adopt rules to carry out the policies of sections 1 through 21  
26 of this act. These rules are not subject to the time restrictions of  
27 RCW 42.17.370(1); and

28 (4) Enforce the provisions of sections 1 through 21 of this act,  
29 ensure that money transferred from the judicial election reform act  
30 fund into the account of an authorized committee of a publicly financed  
31 candidate is spent as specified, and monitor reports filed and  
32 financial records of candidates as needed to ensure that rescue funds  
33 are promptly authorized to opposing qualified candidates under section  
34 13 of this act.

1        NEW SECTION.    **Sec. 17.**    EXPEDITED ADMINISTRATIVE REVIEW.    (1) The  
2        commission shall develop an expedited administrative review process  
3        that is not subject to the adjudicative proceedings of chapter 34.05  
4        RCW. However, commission findings are subject to judicial review under  
5        RCW 34.05.570(4).

6        (2) The following individuals may seek expedited administrative  
7        review of commission decisions:

8        (a) Candidates and potential candidates whom the commission finds  
9        ineligible to participate in the program;

10       (b) Publicly financed candidates who are denied rescue funds; and

11       (c) Opponents of a publicly financed candidate who disagree with a  
12       decision by the commission to grant rescue funds to a publicly financed  
13       candidate.

14       (3) In an expedited administrative review process, the commission  
15       shall issue a final decision no more than five calendar days after  
16       review is requested.

17       (4) The commission may adopt rules to implement this section.

18       (5) Any petition for judicial review of a final decision in an  
19       expedited administrative review must be filed within five calendar days  
20       of the final decision. In any judicial review, the court may not grant  
21       a stay or temporary relief unless it finds the conditions specified in  
22       RCW 34.05.550(3) (a), (b), and (c).

23       NEW SECTION.    **Sec. 18.**    The commission may not offer the program in  
24       sections 1 through 17 of this act until one million dollars is in the  
25       judicial election reform act fund.

26       NEW SECTION.    **Sec. 19.**    For the purpose of calculations required by  
27       this act, personal funds contributed by a candidate to his or her own  
28       campaign must be treated as having been expended prior to the  
29       expenditure of any other funds.

30       NEW SECTION.    **Sec. 20.**    The commission may solicit and accept  
31       gifts, grants, conveyances, bequests, and devises of real or personal  
32       property, or both, in trust or otherwise, and sell, lease, exchange,  
33       invest, or expend these donations or the proceeds, rents, profits, and  
34       income from the donations except as limited by the donor's terms.

1 Moneys received under this section must be deposited into the judicial  
2 election reform act fund established in section 3 of this act and may  
3 only be used for the purposes of sections 1 through 18 of this act.

4 NEW SECTION. **Sec. 21.** The public disclosure commission must  
5 report to the governor and to the appropriate committees of the  
6 legislature in January of even-numbered years on the effectiveness of  
7 the judicial election reform act once the program is offered.

8 **Sec. 22.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read  
9 as follows:

10 One or more of the following civil remedies and sanctions may be  
11 imposed by court order in addition to any other remedies provided by  
12 law:

13 (1) If the court finds that the violation of any provision of this  
14 chapter by any candidate or political committee probably affected the  
15 outcome of any election, the result of said election may be held void  
16 and a special election held within sixty days of such finding. Any  
17 action to void an election shall be commenced within one year of the  
18 date of the election in question. It is intended that this remedy be  
19 imposed freely in all appropriate cases to protect the right of the  
20 electorate to an informed and knowledgeable vote.

21 (2) If any lobbyist or sponsor of any grass roots lobbying campaign  
22 violates any of the provisions of this chapter, his or her registration  
23 may be revoked or suspended and he or she may be enjoined from  
24 receiving compensation or making expenditures for lobbying(~~(-~~  
25 ~~PROVIDED, HOWEVER, That)~~). However, imposition of such sanction shall  
26 not excuse said lobbyist from filing statements and reports required by  
27 this chapter.

28 (3) Any person who violates any of the provisions of this chapter  
29 may be subject to a civil penalty of not more than ten thousand dollars  
30 for each such violation. However, a person or entity who violates RCW  
31 42.17.640 and 42.17.645 may be subject to a civil penalty of ten  
32 thousand dollars or three times the amount of the contribution  
33 illegally made or accepted, whichever is greater.

34 (4) Any person who fails to file a properly completed statement or  
35 report within the time required by this chapter may be subject to a

1 civil penalty of ten dollars per day for each day each such delinquency  
2 continues.

3 (5) Any person who fails to report a contribution or expenditure as  
4 required by this chapter may be subject to a civil penalty equivalent  
5 to the amount not reported as required.

6 (6) The court may enjoin any person to prevent the doing of any act  
7 herein prohibited, or to compel the performance of any act required  
8 herein.

9 (7)(a) The civil penalty for a violation of a contribution or  
10 expenditure limit established under section 4 of this act by or on  
11 behalf of a publicly financed candidate is ten times the amount by  
12 which the expenditures or contributions exceed the applicable limit.  
13 If the violation occurs within five days of an election, the civil  
14 penalty is twenty times the amount by which the expenditures or  
15 contributions exceed the applicable limit. A publicly financed  
16 candidate found to have knowingly committed a violation of the  
17 expenditure or contribution limits under section 4 of this act must pay  
18 the applicable fines, surrender all money in the candidate's authorized  
19 committee account, less self-contributed funds, to the judicial  
20 election reform act fund, and will cease to be a publicly financed  
21 candidate.

22 (b) In addition to any other penalties imposed by law, the civil  
23 penalty for a violation by or on behalf of a publicly financed  
24 candidate of a reporting requirement imposed by this chapter is one  
25 hundred dollars per day. A civil penalty imposed under this subsection  
26 (7)(b) may not exceed twice the amount of expenditures or contributions  
27 not reported in a timely manner. The candidate and the candidate's  
28 authorized committee are jointly and severally responsible for a civil  
29 penalty imposed under this subsection.

30 (c) The civil penalty for a violation of the revocation requirement  
31 imposed by section 11 of this act is one thousand dollars per day for  
32 each day past the period allowed for a timely revocation.

33 (d) The civil penalty for a violation of the reporting provisions  
34 in section 14 of this act is equal to the amount not reported, less  
35 self-contributed funds.

36 (e) All civil penalties collected under this subsection must be  
37 deposited into the judicial election reform act fund.

1           **Sec. 23.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are  
2 each reenacted and amended to read as follows:

3           Clerks of the district courts shall collect the following fees for  
4 their official services:

5           (1) In any civil action commenced before or transferred to a  
6 district court, the plaintiff shall, at the time of such commencement  
7 or transfer, pay to such court a filing fee of forty-three dollars plus  
8 any surcharge authorized by RCW 7.75.035. Any party filing a  
9 counterclaim, cross-claim, or third-party claim in such action shall  
10 pay to the court a filing fee of forty-three dollars plus any surcharge  
11 authorized by RCW 7.75.035. No party shall be compelled to pay to the  
12 court any other fees or charges up to and including the rendition of  
13 judgment in the action other than those listed.

14           (2) For issuing a writ of garnishment or other writ, or for filing  
15 an attorney issued writ of garnishment, a fee of twelve dollars.

16           (3) For filing a supplemental proceeding a fee of twenty dollars.

17           (4) For demanding a jury in a civil case a fee of one hundred  
18 twenty-five dollars to be paid by the person demanding a jury.

19           (5) For preparing a transcript of a judgment a fee of twenty  
20 dollars.

21           (6) For certifying any document on file or of record in the clerk's  
22 office a fee of five dollars.

23           (7) At the option of the district court:

24           (a) For preparing a certified copy of an instrument on file or of  
25 record in the clerk's office, for the first page or portion of the  
26 first page, a fee of five dollars, and for each additional page or  
27 portion of a page, a fee of one dollar;

28           (b) For authenticating or exemplifying an instrument, a fee of two  
29 dollars for each additional seal affixed;

30           (c) For preparing a copy of an instrument on file or of record in  
31 the clerk's office without a seal, a fee of fifty cents per page;

32           (d) When copying a document without a seal or file that is in an  
33 electronic format, a fee of twenty-five cents per page;

34           (e) For copies made on a compact disc, an additional fee of twenty  
35 dollars for each compact disc.

36           (8) For preparing the record of a case for appeal to superior court  
37 a fee of forty dollars including any costs of tape duplication as

1 governed by the rules of appeal for courts of limited jurisdiction  
2 (RALJ).

3 (9) At the option of the district court, for clerk's services such  
4 as processing ex parte orders, performing historical searches,  
5 compiling statistical reports, and conducting exceptional record  
6 searches, a fee not to exceed twenty dollars per hour or portion of an  
7 hour.

8 (10) For duplication of part or all of the electronic recording of  
9 a proceeding ten dollars per tape or other electronic storage medium.

10 (11) For filing any abstract of judgment or transcript of judgment  
11 from a municipal court or municipal department of a district court  
12 organized under the laws of this state a fee of forty-three dollars.

13 (12) At the option of the district court, a service fee of up to  
14 three dollars for the first page and one dollar for each additional  
15 page for receiving faxed documents, pursuant to Washington state rules  
16 of court, general rule 17.

17 (13) Until July 1, 2011, in addition to the fees required by  
18 subsection (1) of this section, clerks of the district courts shall  
19 collect a surcharge of twenty dollars on all fees required by  
20 subsection (1) of this section, which shall be remitted to the state  
21 treasurer for deposit in the judicial stabilization trust account.  
22 This surcharge is not subject to the division and remittance  
23 requirements of RCW 3.62.020.

24 (14) Effective July 1, 2010, in addition to the fees required by  
25 subsection (1) of this section, clerks of the district courts shall  
26 collect a judicial integrity surcharge of three dollars on all fees  
27 required by subsection (1) of this section, which must be remitted to  
28 the state treasurer for deposit in the judicial election reform act  
29 fund. This surcharge is not subject to the division and remittance  
30 requirements of RCW 3.62.020.

31 The fees or charges imposed under this section (~~shall be~~) are  
32 allowed as court costs whenever a judgment for costs is awarded.

33 **NEW SECTION. Sec. 24.** A new section is added to chapter 36.18 RCW  
34 to read as follows:

35 Effective July 1, 2010, a three-dollar judicial integrity surcharge  
36 must be added to each of the fees in RCW 36.18.016 that exceeds one  
37 hundred dollars, and to each of the fees in RCW 36.18.020. All

1 judicial integrity surcharges must be remitted to the state treasurer  
2 for deposit in the judicial election reform act fund. Surcharges  
3 collected under this section are not subject to the division and  
4 remittance requirements of RCW 36.18.025 or 27.24.070 and no surcharge  
5 under this section may be applied to any fee which individually, and  
6 before applying other surcharges, is less than twenty dollars.

7 NEW SECTION. **Sec. 25.** Sections 1 through 21 of this act may be  
8 known and cited as the judicial election reform act.

9 NEW SECTION. **Sec. 26.** Sections 1 through 21 of this act are each  
10 added to chapter 42.17 RCW.

11 NEW SECTION. **Sec. 27.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected."

2SSB 5912 - S AMD  
By Senator Oemig

15 On page 1, line 1 of the title, after "campaigns;" strike the  
16 remainder of the title and insert "amending RCW 42.17.390; reenacting  
17 and amending RCW 3.62.060; adding new sections to chapter 42.17 RCW;  
18 adding a new section to chapter 36.18 RCW; creating new sections; and  
19 prescribing penalties."

EFFECT: Removes an irrelevant reference to the state treasurer by  
request of the office of state treasurer; reduces the number of fees on  
which the three dollar judicial integrity surcharge will be imposed;  
eliminates the imposition of the surcharge on fees that are less than  
twenty dollars; and allows the administrative office of the courts and

the commission to recover up to 10% of administrative costs.

--- END ---

# SENATE BILL REPORT

## E2SSB 5912

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As of Third Reading

**Title:** An act relating to public funding for supreme court campaigns.

**Brief Description:** Concerning public funding for supreme court campaigns.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Oemig, McDermott, Kline, Kastama, Pridemore, Kilmer, Jarrett, Kohl-Welles and Haugen).

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/02/10, 2/04/10 [DPS-WM, DNP].

Ways & Means: 2/08/10, 2/09/10 [DP2S, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

**Minority Report:** Do not pass.

Signed by Senators Benton and Swecker.

**Staff:** Sharon Swanson (786-7447)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5912 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley, Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Pridemore, Regala and Rockefeller.

**Minority Report:** Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Carrell, Hewitt, Honeyford, Parlette, Pflug and Schoesler.

**Staff:** Steve Jones (786-7440)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** The Fair Campaign Practices Act was enacted following passage of Initiative 134 in 1992. The initiative imposed campaign contribution limits on elections for statewide and legislative offices, further regulated independent expenditures, restricted the use of public funds for political purposes, and required public officials to report gifts received in excess of \$50. In 2006 contribution limits were expanded to include elections for certain county and special purpose district offices, and for judicial offices.

A series of court decisions have identified a number of constitutional limitations on the regulation of campaign financing. Certain constitutionally permissible restrictions on such financing have also been identified in those decisions. In those cases, the courts found the following to be permissible:

- limitations on contributions by individuals or organizations to candidates;
- limitations on contributions by individuals or organizations to political action committees;
- limitations on contributions by political action committees to candidates;
- limitations on total contributions by individuals in a calendar year to candidates and political committees;
- prohibition of the use of corporation and labor organization general treasury funds to support or oppose the nomination or election of a candidate through contributions to political action committees, independent expenditures, or electioneering communications;
- public financing of campaigns; and
- reporting and disclosure of independent expenditures and electioneering communications.

Found to be impermissible were ceilings on candidate expenditures or on independent expenditures. Upheld, however, were ceilings on a candidate's expenditures, which become effective only as part of a public financing agreement under which a candidate agrees to abide by the limits in exchange for public financing.

Arizona, Maine, and Connecticut have enacted public financing programs for statewide and legislative offices. North Carolina has enacted a public financing program for Supreme Court and Court of Appeals offices.

**Summary of Bill:** The Judicial Elections Reform Act (Act) is created to introduce a voluntary pilot project to provide an alternative source of financing for candidates for the Washington Supreme Court.

The Judicial Reform Act Fund (Fund) is created in the custody of the State Treasurer. Only the Public Disclosure Commission (PDC) can authorize expenditures from the fund.

Program Requirements. The program is voluntary. Candidates who wish to participate in the program must agree to the following:

- only accept contributions from individuals, and only as qualifying contributions;
- during the qualifying period accept a limited amount from the candidate's personal funds;
- collect at least 500 qualifying contributions that, in the aggregate, total at least 25 times the filing fee for the office of supreme court justice;

- file required reports;
- expend only self-contributed funds or funds received from the Fund; and
- sign a joint statement with the treasurer of the publicly financed candidate's authorized committee, under oath, promising to comply with the provisions of the Act.

Qualifying Contributions. To qualify for participation in the Act, a candidate must obtain at least 500 qualifying contributions that, in the aggregate, total at least 25 times the filing fee for the office. A qualifying contribution must be made by a registered voter of the state and must be received during the qualifying period. The individual contributor must not be given anything of value in exchange for the contribution. The amount of the contribution must be at least \$10 and not more than 25 percent of the contribution limit set in statute, and must be made by check, money order, or credit card. Up to 25 percent of the minimum dollar amount of qualifying contributions may be used to pay for expenses related to raising qualifying contributions.

Certification Procedure. A candidate who wishes to participate must submit an application with the PDC, declaring his or her intent to participate in the program. The application must be submitted either before or during the qualifying period. The candidate must submit a report itemizing the qualifying contributions received including the name, address, telephone number, and county of residence for each person who made a contribution, along with the date the contribution was received. The PDC must review the application and determine if a candidate meets the requirements within seven calendar days. If an application is denied, the PDC must provide written reasons for the denial. A candidate who is denied certification may reapply one time within 14 days of denial. A candidate who is certified as a public financed candidate may use that designation in campaign materials and will be so designated in the state voters' pamphlet.

Revocation. A publicly financed candidate may revoke a decision to participate in the program no later than June 30 of the year of the election. Within 30 days of revocation, all money received from the Fund must be repaid with interest. If a candidate revokes after June 30, the candidate must return all money received from the Fund and pay a fine of \$1,000 per day for each day beyond the allowed revocation period and the day the candidate revokes.

Campaign Funding. Within five business days after a publicly financed candidate's name is approved to appear on the primary ballot, the PDC must authorize distribution of funds for the primary election. The amount of funding for the primary election must be set by rule by the PDC based on the number of participating candidates filing for office. Within five business days after a publicly financed candidate's name is approved to appear on the general election ballot, the PDC must authorize an amount equal to 125 times the filing fee. Publicly financed candidates in uncontested elections must receive four times the filing fee plus qualifying contributions. A publicly financed candidate must return, within ten calendar days, funds distributed that are unspent and uncommitted as of the date that the candidate ceases to be a candidate, or as of the date of the election, whichever occurs first.

Public Disclosure Commission. The PDC must:

- prescribe forms for statements, notices, and other documents as required;

- prepare and publish instructions to facilitate compliance with the Judicial Election Reform Act Fund;
- adopt necessary rules; and
- enforce the provisions of the Act, ensure that the money that is transferred from the Fund into the account of the authorized candidate or committee is spent appropriately.

The program may not be implemented until \$1 million is in the judicial election reform act fund.

Penalties. The civil penalty for a violation of a contribution or expenditure limit may result in a fine of ten times the amount by which the expenditures or contributions exceed the applicable limit. If the violation occurs within five days of an election, the civil penalty is 20 times the amount by which the expenditures or contributions exceed the applicable amount. A violation of any reporting violation by a publicly financed candidate is subject to a fine of \$100 per day not to exceed twice the amount not reported in a timely manner. The civil penalty for late revocation will result in a fine of \$1,000 per day for each day beyond the allowed revocation period.

Rescue Funds. A publicly funded candidate may receive funds equal to the difference between the total amount received by the nonparticipating candidate for each election and the amount received by the publicly funded candidate for each election. The total amount a publicly funded candidate may receive in rescue funds is 500 times the filing fee for the office. Self-contributed funds do not trigger rescue funds.

Independent expenditures and electioneering communications opposing a publicly financed candidate or supporting one or more nonparticipating opponents of a publicly financed candidate will be considered as contributions to each opposing candidate and the commission must authorize rescue funds to the publicly funded candidate.

All civil penalties collected must be deposited into the judicial election reform act fund.

Campaign contribution is defined as any cash or equivalent paid to a political committee.

A \$3 surcharge on certain county clerk filing fees is imposed to finance the program.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2010.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee (Government Operations & Elections):** PRO: Fair elections are the foundation of democracy. We need to minimize the impact of out-of-state money in our elections in Washington State. We need locally controlled and locally funded elections. The judicial

branch is very interested in the idea of public funding for judicial campaigns but has not yet come to a formal opinion on the issue. The spending for electing supreme court justices has increased greatly in recent years. The money comes from a few sources with decided points of view. This aims to remove any chance of bankable judicial votes. Judges should be able to opt out of corporate funding if they want to. This just gives an option to judges who wish to participate. We don't want to become like West Virginia. This bill preserves and protects faith in the judicial and election systems by removing political action committee money and corporate sponsorship of judicial campaigns. Over time, public funding of campaigns will reduce the cost of elections. This will keep the appearance of judicial bias away from our courts. There are justices of the supreme court who are in favor of this bill.

**Persons Testifying (Government Operations & Elections):** PRO: Chris Stearns, Thurston Public Utilities District Commissioner; Marcee Stone, 34th District Democrats; Tyler Havron, Washington Clean Thurston County; John King, Washington Public Campaigns; Larry Shannon, Washington State Association for Justice; Katy Sheehan, League of Women Voters; Mellani McAleenan, Board for Judicial Administration; Becky Bogard, Washington State Association of Broadcasting.

**Staff Summary of Public Testimony on Recommended First Substitute (Ways & Means):** PRO: Public confidence in the impartiality of our elected judges is essential to the integrity of the judicial system. Spending on supreme court campaigns in many states has increased substantially, and a small number of donors is dominating the campaigns. This bill allows candidates with broad public support to compete with sponsored candidates. A balanced approach for both types of candidates will promote public participation in the judicial election process. A \$3 surcharge on county clerk filing fees is a reasonable method to finance this program.

**Persons Testifying (Ways & Means):** PRO: John King, Washington Public Campaigns; Katy Sheehan, League of Women Voters.





**City of Bremerton**  
**Tax & License Division**  
345 Sixth Street, Suite 600  
Bremerton, WA 98337-1873  
(360) 473-5311

Dear Applicant,

Thank you for your services for the Bremerton Court. The City of Bremerton Municipal Code requires that every person or firm engaging in business within the city limits of Bremerton maintain a City business license and pay tax on their gross revenue.

Enclosed is a business license application for you to complete and return to the above address along with a check for the annual license fee. The license fee is currently \$65 per year, but it is pro-rated monthly throughout the calendar year for new applicants. Please contact our office for the appropriate pro-rated amount if you began doing business in Bremerton any time after January. If you are in need of additional forms they can be found on our website at [www.ci.bremerton.wa.us](http://www.ci.bremerton.wa.us) under Forms and Application -- Business/Finance -- Business License Application.

Failure to obtain a City business license is a violation of Bremerton Municipal Code.

If you have any questions please feel free to contact me at (360) 473-5311 or by e-mail at [naomi.newcomb@ci.bremerton.wa.us](mailto:naomi.newcomb@ci.bremerton.wa.us).

Sincerely,

Naomi Newcomb  
Accounting Assistant II

# CITY OF BREMERTON

Tax & License Division • 345 6<sup>th</sup> St, Suite 600 • Bremerton, WA • 98337-1873 • 360-473-5311

Thank you for applying for a City of Bremerton Business License. All persons, firms or corporations engaging in business within the city limits are required to register for a city business license before they commence operations inside Bremerton. Business license registration automatically adds your business to the Bremerton tax rolls making it essential that you understand your local tax reporting obligations in addition to acquiring a business license.

## LICENSING

The business license fee is currently \$65.00 per year but is prorated monthly throughout the calendar year for new applicants. Please call our office to find out the amount of the fee if your business is opening in any other month than January. Once you are registered you will receive a license renewal notice every December. **Please be aware that your license fee is non-refundable regardless of applying in error or subsequent denial of your application.** Upon payment of the license fee, your license application will be routed to concerned city departments for review. During the review process you will not be issued a temporary license and should not consider your license fee receipt as proof of valid licensing.

The following criteria may be used during the departmental review process. If your business is located outside of Bremerton you may disregard criteria related to physical location. The Tax & License Division (360-473-5311) will identify all applicable city tax requirements of the proposed business operation as well as additional regulatory licensing needs, and determine if state business licensing requirements have been met. **If your business is located inside the City, it is your responsibility to contact the Building Department and/or other departments involved, regarding needed permits and/or inspections required during the application process. Your License will not be issued until approvals have been received from all applicable departments.**

The Fire Department will inspect those businesses where the nature of operations warrants a site inspection to ascertain conformance with fire code regulations.

The Planning Department will review your application for conformance with signage, land use, parking, environmental impact and other planning programs. The applicant is encouraged to meet with staff to obtain the proper parking, signage, and setback standards that may apply to your proposed business.

The Building Department will review your application to determine conformance with the Bremerton Uniform Building Code by reviewing a floor plan and confirming that necessary building permits have been obtained. This review could include an inspection of the building for structural, mechanical, or other building safety features required under the uniform codes. Even if you are not doing any construction at your business site, the Building Department will require you to submit a Tenant Permit form in order to issue an Occupancy Permit

The Public Works Department will review applications to determine correct water intake lines, backflow, and drains.

The Police Department uses the license application information to determine if there are any outstanding warrants for the applicant and to build a database for emergency support services such as, immediate notification of the owner if there is an alarm trigger on the business premises.

The Health Department requires that a business apply directly with the Health Department for permits relating to food preparation / handling or pool / spa facilities. Phone: 360-337-5235

## TAXATION

Bremerton assesses local taxes on business activity as follows:

- Business & Occupation Gross Receipts Tax Rates vary from .125% to .2% of gross revenue
- Amusement Device Gross Receipts Tax Rate of 2% of gross revenue
- Admission Tax Rates vary from 2% to 5% of admission price
- Gambling Taxes, including pulltabs, cardrooms, bingo, raffles, and fundraising tax rates vary from 2% to 20%
- Utility Gross Receipt Tax rates vary from 6% to 10%

You are required to file City of Brem erton returns in addition to the returns you file with the State of Washington.

Excerpt from e-mail correspondences with Debbie Hunt, Port Orchard Municipal Court Administrator, January 25, 2010:

Hi Katrin,

Thank you for responding. As I said, Bremerton contacted my city and asked if we charge for interpreters for Business Licenses so my City Clerk has asked me to request that our Finance Committee make Interpreters an exception to our Business License requirement because at this time there is nothing written excluding Interpreters from the requirement.

I was hoping there was something official that I might use (a court rule, law, or something). I guess not.

I do understand all the difficulties involved in requiring Interpreters to pay the license fee so I will try to relay those to the committee and hope for the best. It would be nice if the Commission could get something from the legislature so that each Court doesn't have to fight this battle with their Cities who are trying to get more money.

Thanks,  
Deborah M. Hunt  
Court Administrator  
Port Orchard Municipal Court

---

Debbie,  
I'll absolutely bring it to the Interpreter Commission's attention for our February 12th meeting. It's likely too late to get any legislative work done this year. However, if they can write a persuasive letter to anyone or any committee specifically, please let me know.

Katrin

---

Katrin,  
That would be very helpful. My meeting with the Finance Committee is 2/26. A letter would be great!

Thanks,  
Debbie



CERTIFICATION OF ENROLLMENT  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617

Chapter 7, Laws of 2010

61st Legislature  
2010 1st Special Session

BOARDS AND COMMISSIONS--ELIMINATION

EFFECTIVE DATE: Contingent on Sine Die - Except sections 1-118, 125-135 and 141-146, which become effective 06/30/10; section 136, which becomes effective 11/15/10; and sections 119 and 123, which become effective 06/30/11.

Passed by the House March 19, 2010  
Yeas 89 Nays 3

FRANK CHOPP

\_\_\_\_\_  
Speaker of the House of Representatives

Passed by the Senate March 18, 2010  
Yeas 40 Nays 1

BRAD OWEN

\_\_\_\_\_  
President of the Senate

Approved March 29, 2010, 2:45 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
Chief Clerk

FILED

March 30, 2010

Secretary of State  
State of Washington

1 (3) The director of financial management may prescribe reasonable  
2 allowances to cover reasonable expenses for meals, coffee, and light  
3 refreshment served to elective and appointive officials and state  
4 employees regardless of travel status at a meeting where: (a) The  
5 purpose of the meeting is to conduct official state business or to  
6 provide formal training to state employees or state officials; (b) the  
7 meals, coffee, or light refreshment are an integral part of the meeting  
8 or training session; (c) the meeting or training session takes place  
9 away from the employee's or official's regular workplace; and (d) the  
10 agency head or authorized designee approves payments in advance for the  
11 meals, coffee, or light refreshment. In order to prevent abuse, the  
12 director may regulate such allowances and prescribe additional  
13 conditions for claiming the allowances.

14 (4) Upon approval of the agency head or authorized designee, an  
15 agency may serve coffee or light refreshments at a meeting where: (a)  
16 The purpose of the meeting is to conduct state business or to provide  
17 formal training that benefits the state; and (b) the coffee or light  
18 refreshment is an integral part of the meeting or training session.  
19 The director of financial management shall adopt requirements necessary  
20 to prohibit abuse of the authority authorized in this subsection.

21 (5) The schedule of allowances prescribed by the director under the  
22 terms of this section and any subsequent increases in any maximum  
23 allowance or special allowances for areas of higher than usual costs  
24 shall be reported to the ways and means committees of the house of  
25 representatives and the senate at each regular session of the  
26 legislature.

27 (6) Beginning July 1, 2010, through June 30, 2011, no person  
28 designated as a member of a class one through class three or class five  
29 board, commission, council, committee, or similar group may receive an  
30 allowance for subsistence, lodging, or travel expenses if the allowance  
31 cost is funded by the state general fund. Exceptions may be granted  
32 under section 605, chapter 3, Laws of 2010.

33 **Sec. 142.** RCW 43.03.220 and 1984 c 287 s 2 are each amended to  
34 read as follows:

35 (1) Any part-time board, commission, council, committee, or other  
36 similar group which is established by the executive, legislative, or

1 judicial branch to participate in state government and which functions  
2 primarily in an advisory, coordinating, or planning capacity shall be  
3 identified as a class one group.

4 (2) Absent any other provision of law to the contrary, no money  
5 beyond the customary reimbursement or allowance for expenses may be  
6 paid by or through the state to members of class one groups for  
7 attendance at meetings of such groups.

8 (3) Beginning July 1, 2010, through June 30, 2011, no person  
9 designated as a member of a class one board, commission, council,  
10 committee, or similar group may receive an allowance for subsistence,  
11 lodging, or travel expenses if the allowance cost is funded by the  
12 state general fund. Exceptions may be granted under section 605,  
13 chapter 3, Laws of 2010. Class one groups, when feasible, shall use an  
14 alternative means of conducting a meeting that does not require travel  
15 while still maximizing member and public participation and may use a  
16 meeting format that requires members to be physically present at one  
17 location only when necessary or required by law. Meetings that require  
18 a member's physical presence at one location must be held in state  
19 facilities whenever possible, and meetings conducted using private  
20 facilities must be approved by the director of the office of financial  
21 management.

22 (4) Beginning July 1, 2010, through June 30, 2011, class one groups  
23 that are funded by sources other than the state general fund are  
24 encouraged to reduce travel, lodging, and other costs associated with  
25 conducting the business of the group including use of other meeting  
26 formats that do not require travel.

27 **Sec. 143.** RCW 43.03.230 and 2001 c 315 s 11 are each amended to  
28 read as follows:

29 (1) Any agricultural commodity board or commission established  
30 pursuant to Title 15 or 16 RCW shall be identified as a class two group  
31 for purposes of compensation.

32 (2) Except as otherwise provided in this section, each member of a  
33 class two group is eligible to receive compensation in an amount not to  
34 exceed one hundred dollars for each day during which the member attends  
35 an official meeting of the group or performs statutorily prescribed  
36 duties approved by the chairperson of the group. A person shall not  
37 receive compensation for a day of service under this section if the

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2921

Chapter 3, Laws of 2010

61st Legislature  
2010 Regular Session

2009-11 OPERATING BUDGET

EFFECTIVE DATE: 02/15/2010 - Except sections 601 through 605,  
which become effective 03/17/10.

Passed by the House February 10, 2010  
Yeas 97 Nays 0

FRANK CHOPP

\_\_\_\_\_  
Speaker of the House of Representatives

Passed by the Senate February 9, 2010  
Yeas 45 Nays 3

BRAD OWEN

\_\_\_\_\_  
President of the Senate

Approved February 15, 2010, 3:40 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2921** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
Chief Clerk

FILED

February 16, 2010

Secretary of State  
State of Washington

1 STATE EMPLOYEE TRAVEL AND TRAINING. (1) State agencies of the  
2 legislative, executive, and judicial branches shall not make  
3 expenditures for the cost or reimbursement of out-of-state travel or  
4 out-of-state training by state employees where the travel or training  
5 is not related to an emergency or other catastrophic event that  
6 requires government action to protect life or public safety, or direct  
7 service delivery, and the travel or training occurs after the effective  
8 date of this section and before July 1, 2011.

9 (2) This section does not apply to travel expenditures when the  
10 costs are funded exclusively from private or federal grants. This  
11 section does not apply to the unemployment insurance program of the  
12 employment security department, to costs that are for tax and fee  
13 collection, for revenue generation and audit activities, or for  
14 receiving or maintaining federal funds by the state, or, in  
15 institutions of higher education, to costs not funded from state funds  
16 or tuition. This section also does not apply to costs related to  
17 carrying out a court order or to costs to travel by air into Washington  
18 state from any airport located in a contiguous state of which the  
19 largest city is part of a metropolitan statistical area with a city  
20 located in Washington state, or to motor vehicle and parking costs for  
21 single day travel to a contiguous state or British Columbia, Canada.

22 (3) Exceptions to this section may be granted under section 605 of  
23 this act.

24 NEW SECTION. **Sec. 605.** A new section is added to 2009 c 564  
25 (uncodified) to read as follows:

26 EXCEPTIONS. (1) Exceptions to sections 601 through 604 of this act  
27 may be granted for the critically necessary work of an agency as  
28 provided in this section.

29 (2) For agencies of the executive branch, the exceptions shall be  
30 subject to approval by the director of financial management or the  
31 director's designee. For agencies of the judicial branch, the  
32 exceptions shall be subject to approval of the chief justice of the  
33 supreme court. For the house of representatives and the senate, the  
34 exceptions shall be subject to approval of the chief clerk of the house  
35 of representatives and the secretary of the senate, respectively, under  
36 the direction of the senate committee on facilities and operations and  
37 the executive rules committee of the house of representatives. For

1 other legislative agencies, the exceptions shall be subject to approval  
2 of both the chief clerk of the house of representatives and the  
3 secretary of the senate under the direction of the senate committee on  
4 facilities and operations and the executive rules committee of the  
5 house of representatives.

6 (3) Exceptions approved under subsection (2) of this section shall  
7 take effect no sooner than five business days following notification of  
8 the chair and ranking minority member of the ways and means committees  
9 in the house of representatives and the senate. The person approving  
10 exceptions under subsection (2) of this section shall send the  
11 exceptions to the legislature for consideration every thirty days from  
12 the effective date of this section, or earlier should volume or  
13 circumstances so necessitate.

14 (4) Exceptions approved and taking effect under this section shall  
15 be published electronically at least quarterly by the office of  
16 financial management on the state fiscal web site.

17 (5) Sections 601 through 604 of this act do not apply to  
18 agricultural commodity commissions and boards, and agricultural  
19 inspection programs operated by the department of agriculture.

20 ~~NEW SECTION. Sec. 606. If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.~~

24 ~~NEW SECTION. Sec. 607. This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately, except for sections 601 through 605 of this act which take  
28 effect thirty days after the effective date of this act.~~

(End of part)



CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2362

Chapter 572, Laws of 2009

61st Legislature  
2009 Regular Session

JUDICIAL BRANCH AGENCIES--FEES

EFFECTIVE DATE: 07/01/09

Passed by the House April 26, 2009  
Yeas 51 Nays 42

FRANK CHOPP

\_\_\_\_\_  
Speaker of the House of Representatives

Passed by the Senate April 25, 2009  
Yeas 25 Nays 18

BRAD OWEN

\_\_\_\_\_  
President of the Senate

Approved May 19, 2009, 4:04 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2362 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
Chief Clerk

FILED

May 20, 2009

Secretary of State  
State of Washington

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**SUBSTITUTE HOUSE BILL 2362**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By House Ways & Means (originally sponsored by Representative Kessler)**

**READ FIRST TIME 04/20/09.**

1            AN ACT Relating to providing support for judicial branch agencies  
2 by imposing surcharges on court fees and requesting the supreme court  
3 to consider increases to attorney licensing fees; amending RCW  
4 3.62.060, 12.40.020, and 36.18.018; reenacting and amending RCW  
5 36.18.020; adding a new section to chapter 43.79 RCW; providing an  
6 effective date; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            **Sec. 1.** RCW 3.62.060 and 2007 c 46 s 3 are each amended to read as  
9 follows:

10            Clerks of the district courts shall collect the following fees for  
11 their official services:

12            (1) In any civil action commenced before or transferred to a  
13 district court, the plaintiff shall, at the time of such commencement  
14 or transfer, pay to such court a filing fee of forty-three dollars plus  
15 any surcharge authorized by RCW 7.75.035. Any party filing a  
16 counterclaim, cross-claim, or third-party claim in such action shall  
17 pay to the court a filing fee of forty-three dollars plus any surcharge  
18 authorized by RCW 7.75.035. No party shall be compelled to pay to the

1 court any other fees or charges up to and including the rendition of  
2 judgment in the action other than those listed.

3 (2) For issuing a writ of garnishment or other writ, or for filing  
4 an attorney issued writ of garnishment, a fee of twelve dollars.

5 (3) For filing a supplemental proceeding a fee of twenty dollars.

6 (4) For demanding a jury in a civil case a fee of one hundred  
7 twenty-five dollars to be paid by the person demanding a jury.

8 (5) For preparing a transcript of a judgment a fee of twenty  
9 dollars.

10 (6) For certifying any document on file or of record in the clerk's  
11 office a fee of five dollars.

12 (7) For preparing the record of a case for appeal to superior court  
13 a fee of forty dollars including any costs of tape duplication as  
14 governed by the rules of appeal for courts of limited jurisdiction  
15 (RALJ).

16 (8) For duplication of part or all of the electronic recording of  
17 a proceeding ten dollars per tape or other electronic storage medium.

18 (9) For filing any abstract of judgment or transcript of judgment  
19 from a municipal court or municipal department of a district court  
20 organized under the laws of this state a fee of forty-three dollars.

21 (10) Until July 1, 2011, in addition to the fees required by  
22 subsection (1) of this section, clerks of the district courts shall  
23 collect a surcharge of twenty dollars on all fees required by  
24 subsection (1) of this section, which shall be remitted to the state  
25 treasurer for deposit in the judicial stabilization trust account.  
26 This surcharge is not subject to the division and remittance  
27 requirements of RCW 3.62.020.

28 The fees or charges imposed under this section shall be allowed as  
29 court costs whenever a judgment for costs is awarded.

30 **Sec. 2.** RCW 12.40.020 and 2005 c 457 s 14 are each amended to read  
31 as follows:

32 A small claims action shall be commenced by the plaintiff filing a  
33 claim, in the form prescribed by RCW 12.40.050, in the small claims  
34 department. A filing fee of fourteen dollars plus any surcharge  
35 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any  
36 party filing a counterclaim, cross-claim, or third-party claim in such  
37 action shall pay to the court a filing fee of fourteen dollars plus any

1 surcharge authorized by RCW 7.75.035. Until July 1, 2011, in addition  
2 to the fees required by this section, an additional surcharge of ten  
3 dollars shall be charged on the filing fees required by this section,  
4 which shall be remitted to the state treasurer for deposit in the  
5 judicial stabilization trust account.

6 **Sec. 3.** RCW 36.18.018 and 2005 c 282 s 43 are each amended to read  
7 as follows:

8 (1) State revenue collected by county clerks under subsection (2)  
9 of this section must be transmitted to the appropriate state court.  
10 The administrative office of the courts shall retain fees collected  
11 under subsection (3) of this section.

12 (2) For appellate review under RAP 5.1(b), two hundred fifty  
13 dollars must be charged.

14 (3) For all copies and reports produced by the administrative  
15 office of the courts as permitted under RCW 2.68.020 and supreme court  
16 policy, a variable fee must be charged.

17 (4) Until July 1, 2011, in addition to the fee established under  
18 subsection (2) of this section, a surcharge of thirty dollars is  
19 established for appellate review. The county clerk shall transmit this  
20 surcharge to the state treasurer for deposit in the judicial  
21 stabilization trust account.

22 **Sec. 4.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are  
23 each reenacted and amended to read as follows:

24 (1) Revenue collected under this section is subject to division  
25 with the state public safety and education account under RCW 36.18.025  
26 and with the county or regional law library fund under RCW 27.24.070,  
27 except as provided in subsection (4) of this section.

28 (2) Clerks of superior courts shall collect the following fees for  
29 their official services:

30 (a) In addition to any other fee required by law, the party filing  
31 the first or initial paper in any civil action, including, but not  
32 limited to an action for restitution, adoption, or change of name, and  
33 any party filing a counterclaim, cross-claim, or third-party claim in  
34 any such civil action, shall pay, at the time the paper is filed, a fee  
35 of two hundred dollars except, in an unlawful detainer action under  
36 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case

1 initiating filing fee of forty-five dollars, or in proceedings filed  
2 under RCW 28A.225.030 alleging a violation of the compulsory attendance  
3 laws where the petitioner shall not pay a filing fee. The forty-five  
4 dollar filing fee under this subsection for an unlawful detainer action  
5 shall not include an order to show cause or any other order or judgment  
6 except a default order or default judgment in an unlawful detainer  
7 action.

8 (b) Any party, except a defendant in a criminal case, filing the  
9 first or initial paper on an appeal from a court of limited  
10 jurisdiction or any party on any civil appeal, shall pay, when the  
11 paper is filed, a fee of two hundred dollars.

12 (c) For filing of a petition for judicial review as required under  
13 RCW 34.05.514 a filing fee of two hundred dollars.

14 (d) For filing of a petition for unlawful harassment under RCW  
15 10.14.040 a filing fee of fifty-three dollars.

16 (e) For filing the notice of debt due for the compensation of a  
17 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

18 (f) In probate proceedings, the party instituting such proceedings,  
19 shall pay at the time of filing the first paper therein, a fee of two  
20 hundred dollars.

21 (g) For filing any petition to contest a will admitted to probate  
22 or a petition to admit a will which has been rejected, or a petition  
23 objecting to a written agreement or memorandum as provided in RCW  
24 11.96A.220, there shall be paid a fee of two hundred dollars.

25 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
26 appeal from a court of limited jurisdiction as provided by law, or upon  
27 affirmance of a conviction by a court of limited jurisdiction, a  
28 defendant in a criminal case shall be liable for a fee of two hundred  
29 dollars.

30 (i) With the exception of demands for jury hereafter made and  
31 garnishments hereafter issued, civil actions and probate proceedings  
32 filed prior to midnight, July 1, 1972, shall be completed and governed  
33 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
34 fee shall be assessed if an order of dismissal on the clerk's record be  
35 filed as provided by rule of the supreme court.

36 (3) No fee shall be collected when a petition for relinquishment of  
37 parental rights is filed pursuant to RCW 26.33.080 or for forms and  
38 instructional brochures provided under RCW 26.50.030.

1       (4) Until July 1, 2011, in addition to the fees required by this  
2 section, clerks of superior courts shall collect the surcharges  
3 required by this subsection, which shall be remitted to the state  
4 treasurer for deposit in the judicial stabilization trust account:

5       (a) On filing fees under subsection (2)(b) of this section, a  
6 surcharge of twenty dollars; and

7       (b) On all other filing fees required by this section except for  
8 filing fees in subsection (2)(d) and (h) of this section, a surcharge  
9 of thirty dollars.

10       NEW SECTION. Sec. 5. A new section is added to chapter 43.79 RCW  
11 to read as follows:

12       The judicial stabilization trust account is created within the  
13 state treasury, subject to appropriation. All receipts from the  
14 surcharges authorized by sections 1 through 4, chapter . . . , Laws of  
15 2009 (sections 1 through 4 of this act) shall be deposited in this  
16 account. Moneys in the account may be spent only after appropriation.

17       Expenditures from the account may be used only for the support of  
18 judicial branch agencies.

19       NEW SECTION. Sec. 6. This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 July 1, 2009.

Passed by the House April 26, 2009.

Passed by the Senate April 25, 2009.

Approved by the Governor May 19, 2009.

Filed in Office of Secretary of State May 20, 2009.

# FINAL BILL REPORT

## SHB 2362

C 572 L 09

Synopsis as Enacted

**Brief Description:** Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representative Kessler).

**House Committee on Ways & Means**  
**Senate Committee on Ways & Means**

### **Background:**

#### Overview of Superior Court Fees.

County clerks are elected officials who oversee all record-keeping matters pertaining to the superior courts, including receipting fees, fines, court-ordered moneys, and disbursement of funds. County clerks collect superior court filing fees and other fees for court services as prescribed by statute.

The following table gives the fee schedule for certain fees collected by the county clerks for their official services. These fees are subject to division between the county, the Public Safety and Education Account (PSEA), and the county or regional law library fund, with the exception of the fee for filing a notice of appeal or notice of discretionary review. The fee for filing a notice of appeal or discretionary review is transmitted to the appropriate state appellate court.

<b>Superior Court Filing</b>	<b>Fee</b>
First or initial paper in any civil action	\$200
Unlawful detainer action	\$45
First or initial paper on appeal from a court of limited jurisdiction or any civil appeal	\$200
Petition for judicial review under the Administrative Procedure Act	\$200
Notice of debt due for the compensation of a crime victim	\$200

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

First paper in a probate proceeding	\$200
Petition to contest a will admitted to probate or petition to admit a will which has been rejected	\$200
Notice of appeal or notice of discretionary review	\$250

Overview of District Court Fees.

District courts are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases in which the amount claimed or in dispute is \$75,000 or less. District courts also have jurisdiction over small claims and traffic infractions.

District court clerks are required to collect fees for various services as prescribed by statute. Except for certain costs, all costs, fees, fines, forfeitures, and penalties collected in whole or in part by the district court are remitted by the district court clerk to the county treasurer. The county treasurer must remit 32 percent of the non-interest money received by district courts to the State Treasurer for deposit into the PSEA. The remaining balance of the non-interest money received by the county treasurer is deposited in the county current expense fund and the county or regional law library fund. Expenditures of the district court are paid from the county's current expense fund.

The following table gives the fee schedule for certain fees collected by the district court clerks for their official services.

District Court Filing	Fee
Any civil action at time of commencement or transfer	\$43 + potential \$10 surcharge for dispute resolution centers
Counterclaim, cross-claim, or third-party claim	\$43 + potential \$10 surcharge for dispute resolution centers
Small claims	\$14 + potential \$15 surcharge for dispute resolution centers

**Summary:**

The following temporary surcharges are added to the fees collected by the superior and district courts:

- \$30 for the filings listed in the superior court chart above, except for the filing of a first or initial paper in an appeal from a court of limited jurisdiction, which is subject to a \$20 surcharge;
- \$20 for the filings listed in the district court chart above, excluding small claims; and
- \$10 for small claims filings.

The surcharges are in addition to the existing fees collected by the superior and district courts. The surcharges expire on July 1, 2011. All surcharges collected by the courts must be remitted to the State Treasurer for deposit in the Judicial Stabilization Trust Account.

A Judicial Stabilization Trust Account (Trust Account) is established in the custody of the State Treasurer. The surcharges created by this act must be deposited in this Trust Account. Moneys in the Trust Account may be spent only after appropriation. Expenditures from the Account may be used only for the support of judicial branch agencies.

**Votes on Final Passage:**

House	52	46	
Senate	25	18	(Senate amended)
House	51	42	(House concurred)

**Effective:** July 1, 2009



[Name] District Court  
Office Hours: #:# AM to #:# PM Daily Except for Court Holidays

<b>PRO SE LITIGANT INFORMATION</b>
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Understanding and making your way through the court process is not easy and can be quite frustrating, especially for those handling their own legal representation (pro se litigants). There are extensive state and local court rules and everyone appearing before the District Court is expected to follow them. The following may be of help in clarifying some of the mysteries of representing yourself.

**THESE ARE SOME OF THE PROCEEDINGS IN DISTRICT COURT**

**Small Claims.** Small Claims actions are started for the recovery of money under \$5000. You are the plaintiff if you are filing a small claim against another person. The civil department of the District Court in your county will have written information about small claims cases including costs as well as a Notice of Small Claim form you can complete for your case. It is important that you follow the instructions provided by the court. Your county District Court may also have printed or on-line information about Small Claims Court. IF YOU DO NOT respond in a timely manner to a summons for a small claim, a judge may order that you pay the amount requested plus filing fees and costs of serving the papers. Some courts may require a mediation hearing or a pretrial appearance between the parties before setting a trial date. Small Claims procedures differ from county to county. A successful plaintiff is responsible for collecting the money awarded by the judge.

**Name Change.** Any person wanting to change his or her name or that of a minor child may apply to the District Court. The court will provide information about its name change procedures, the filing fees that will be charged and forms that are required. A written petition must then be filed with the District Court giving reasons for the change of the name. The court will set a hearing at which time the request will be considered. The court in its discretion may then grant the change of name. Name changes will not be granted for any illegal or fraudulent purpose.

Name change petitions must be filed in Superior Court when the person desiring a name change is a victim of domestic violence and seeks to have the name change file sealed due to reasonable fear for safety of the person or that of a minor child.

**Protection and Restraining Orders.** Different counties have different procedures regarding protection and restraining orders. Contact your local superior, district or municipal court for procedures within your county.

**Infractions.** An infraction is an act prohibited by law which is not legally defined as a crime. The court will impose a financial penalty when an infraction has been committed. Because infractions are not criminal violations, the court cannot commit the defendant to jail. A person cited for an infraction may choose to be represented by an attorney but is not entitled to court-appointed counsel.

There are several ways to respond to a citation for an infraction. The instructions are printed on the back of the citation. Failure to respond within 15 days from the date the citation was issued will result in an additional mandated \$52.00 penalty. With most traffic violations, the Department of Licensing will also be advised of the failure to respond and this may result in the suspension of the person's driver's license. Parking violations and photo infractions will not be part of your driving record regardless of the type of hearing that you choose. Some courts may allow an infraction hearing by mail or by e-mail.

**Criminal Charges.** It is important that a person charged with a crime seek legal representation. If you have been charged with a crime you are facing potential jail time and fines as well as other significant consequences. You are entitled to have an attorney present at each court appearance. If you feel you cannot afford an attorney, the court may appoint an attorney to represent you at public expense. A criminal defense attorney can protect your rights and fully represent you at each of the potential hearings, as well as provide advice as to the available options with regard to the case.

**-Turn Over for More Information-**

**TERMS YOU NEED TO KNOW.** The following terms are important to know.

1. Calendar (sometimes called a Docket) – List of cases arranged for hearing in court.
2. Complaint/Citation – a document that starts a prosecution or a civil lawsuit.
3. Ex parte – A Latin phrase indicating action done for, on behalf of, or on the application of, one party only without notice to the opposing party.
4. Mediation – a meeting with a trained neutral third person who works with the opposing sides to reach a mutually acceptable settlement.
5. Motion – A formal request usually in writing made by a party to a court for an order granting relief; a formal written request of the court.
6. Order – A direction or command delivered by a court and entered into the court record.
7. Petition – A formal written application to the court requesting a remedy available under law.
8. Pro se – A Latin phrase meaning "For Oneself" (refers to people who represent themselves).
9. Summons – notification of a mandatory appearance.

**WHAT DO I WEAR AND HOW DO I ACT IN COURT?** Courts are respectful and formal settings. You are trying to present and win your side of the issue. Dress, speak and conduct yourself appropriately.

1. Wear clean, mended clothing that does not bring undue attention to you.
2. Do not wear hats, caps, shorts, bare midriffs, tank tops or revealing clothing. Religious attire may be an exception.
3. Turn off cell phones, beepers or pagers.
4. Speak clearly and respectfully. Address the court; not the opponent.
5. Do not interrupt another person who is speaking to the judge.
6. Get to your point. Do not ramble. Only address matters being decided by the judge.
7. Do not chew gum, yell, swear or use improper language.
8. Try to imagine you are the judge and someone is appearing in front of you seeking a favorable decision. How would you want them to act so you can assess the facts fairly and not be distracted in that effort?

**LIST OF HELPFUL PHONE NUMBERS AND WEBSITES.** Help can be found at these offices.

1. County Superior Court: [number] Website: [www. \[URL\]](http://www.[URL])
2. District Court: [number] Website: [www. \[URL\]](http://www.[URL])
3. County Prosecutor's Office: [number] Website: [www. \[URL\]](http://www.[URL])
4. Legal Information: [www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org) or [www.lawforwa.org](http://www.lawforwa.org)
5. Forms On-line: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)
6. State and Local Court Rules: [www.courts.wa.gov/court-rules/](http://www.courts.wa.gov/court-rules/)

**Court staff are not attorneys and are restricted by law from giving legal advice.  
Court staff cannot tell you if your paperwork is filled out correctly.**

**You will only be able to see or talk to a judge about your case  
when you appear before the judge in court.**

[Name] Municipal Court  
Office Hours: #:# AM to #:# PM Daily Except for Court Holidays

<b>PRO SE LITIGANT INFORMATION</b>
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Understanding and making your way through the court process is not easy and can be quite frustrating, especially for those handling their own legal representation (pro se litigants). There are extensive state and local court rules and everyone appearing before the Municipal Court is expected to follow them. The following may be of help in clarifying some of the mysteries of representing yourself.

**THESE ARE SOME OF THE PROCEEDINGS IN MUNICIPAL COURT**

**Protection and Restraining Orders.** Different counties have different procedures regarding protection and restraining orders. Contact your local superior, district or municipal court for procedures within your county.

**Infractions.** An infraction is an act prohibited by law which is not legally defined as a crime. The court will impose a financial penalty when an infraction has been committed. Because infractions are not criminal violations, the court cannot commit the defendant to jail. A person cited for an infraction may choose to be represented by an attorney but is not entitled to court-appointed counsel.

There are three ways to respond to a citation for an infraction. The instructions are printed on the back of the citation. You may request a mitigation hearing at which you admit committing the infraction but may explain what happened to the judge. The judge may then reduce the fine. You may request a contested hearing at which you maintain that you did not commit the infraction. Or you may simply pay the fine. Some persons may qualify for a deferred finding which can result in the dismissal of a traffic infraction. A hearing must be requested within 15 days from the date the citation was issued. Failure to respond will result in an additional mandated \$52.00 penalty. With most traffic violations, the Department of Licensing will also be advised of the failure to respond and this may result in the suspension of the person's driver's license. Parking violations and photo infractions will not be part of your driving record regardless of the type of hearing that you choose. Some courts may allow an infraction hearing by mail or by e-mail.

**Criminal Charges.** It is important that a person charged with a crime seek legal representation. If you have been charged with a crime you are facing potential jail time and fines as well as other significant consequences. You are entitled to have an attorney present at each of these hearings. If you feel you cannot afford an attorney, the court may appoint an attorney to represent you at public expense. A criminal defense attorney can protect your rights and fully represent you at each of the potential hearings, as well as provide advice as to the available options with regard to the case.

-Turn Over for More Information-

**TERMS YOU NEED TO KNOW.** The following terms are important to know.

1. Calendar (sometimes called a Docket) – List of cases arranged for hearing in court.
2. Complaint/Citation – a document that starts a criminal prosecution.
3. Ex parte – A Latin phrase indicating action done for, on behalf of, or on the application of, one party only without notice to the opposing party.
4. Motion – A formal request usually in writing made by a party to a court for an order granting relief; a formal written request of the court.
5. Order – A direction or command delivered by a court and entered into the court record.
6. Petition – A formal written application to the court requesting a remedy available under law.
7. Pro se – A Latin phrase meaning "For Oneself" (refers to people who represent themselves).
8. Summons – notification of a mandatory appearance in court.

**WHAT DO I WEAR AND HOW DO I ACT IN COURT?** Courts are respectful and formal settings. You are trying to present and win your side of the issue. Dress, speak and conduct yourself appropriately.

1. Wear clean, mended clothing that does not bring undue attention to you.
2. Do not wear hats, caps, shorts, bare midriffs, tank tops or revealing clothing. Religious attire may be an exception.
3. Turn off cell phones, beepers or pagers.
4. Speak clearly and respectfully. Address the court; not the opponent.
5. Do not interrupt another person who is speaking to the judge.
6. Get to your point. Do not ramble. Only address matters being decided by the judge.
7. Do not chew gum, yell, swear, or use improper language.
8. Try to imagine you are the judge and someone is appearing in front of you seeking a favorable decision. How would you want them to act so you could assess the facts fairly and not be distracted in that effort?

**LIST OF HELPFUL PHONE NUMBERS AND WEBSITES.** Help can be found at these offices.

1. Municipal Court: [number] Website: [www. \[URL\]](http://www.[URL])
2. District Court: [number] Website: [www. \[URL\]](http://www.[URL])
3. County Prosecutor's Office: [number] Website: [www. \[URL\]](http://www.[URL])
4. Legal Information: [www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org) or [www.lawforwa.org](http://www.lawforwa.org)
5. Forms On-line: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)
6. State and Local Court Rules: [www.courts.wa.gov/court-rules/](http://www.courts.wa.gov/court-rules/)

**Court staff are not attorneys and are restricted by law from giving legal advice.  
Court staff cannot tell you if your paperwork is filled out correctly.**

**You will only be able to see or talk to a judge about your case  
when you appear before the judge in court.**

## TEMPLATE COURT TOURS

This template is to be used when contacted by school or organization requesting a tour of your court.

### Tour Request Information

Date Request made to Court: \_\_\_\_\_

Date Requested for Tour: \_\_\_\_\_

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Number of People Participating: \_\_\_\_\_

If students, age: \_\_\_\_\_ Class subject: \_\_\_\_\_

Area(s) of interest? \_\_\_\_\_

How much time do they have available: \_\_\_\_\_

Requesting to observe court in session?  Yes  No

If so, calendar or trial? \_\_\_\_\_

Requesting time with a judge in chambers?  Yes  No

Requesting time for jail tour?  Yes  No

### Court Administrator's Check List

#### Prior to confirming with contact person:

- 1)  Check court calendar for judge available
- 2)  Check court calendar for specific calendars or trials
- 3)  Confirm with contact person
- 4)  Enter event on court's schedule
- 5)  Invite other Law & Justice partners to be available on day of tour to be introduced and/or speak to group

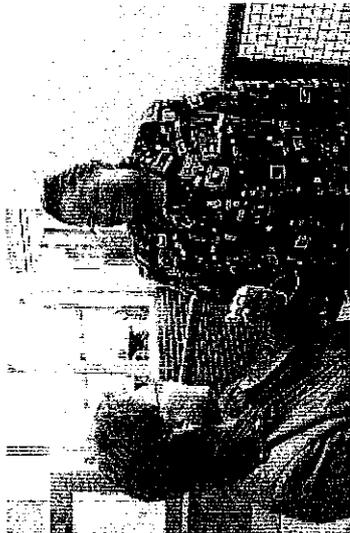
#### Day of Tour:

- 1)  Welcome group
- 2)  Take to judge's chambers
- 3)  Provide brochures and handouts
- 4)  Escort through courthouse
- 5)  Meet with other Law & Justice partners, if available

Beginning or end tour -- in courtroom

~Suggested Handouts~

- **Overview of your court:** Informational sheet explaining the function of people working for the court (i.e. the presiding judge, other designated judges, commissioners, Courthouse Facilitators, bailiffs, court reporters)
- **Court schedule:** Weekly schedule of your court
- **Courthouse directory:** Information sheet which explains what departments/offices are located in your courthouse. Also a brief description of their function.
- **A Juror's Guide:** Tri-fold which is handed out to jurors explaining the process and the court system.
- **Separation of Powers Handout:** A quick look at the concept of separation of powers
- **Branches of Government Handout:** An explanation of how citizens interact with the judicial, executive and legislative branches of government
- **Local Government Handout:** An explanation of how the judicial branch operates within the context of county and city governments.
- **Frequently Asked Question Sheet** designed for posting in all courts. This sheet covers frequently asked general questions, such as where to obtain information on forms, jury duty, traffic issues, fines and fees, domestic violence and more. The bottom of page two includes an area for local variations for your county as well as local resources for further information.
- **"What's Happening in Court?"** A coloring activity book for young people going to court in Washington State.
- **Court's Annual Report**
- **Superior, District and Municipal Courts' - Pro Se Litigant Information**
- **Judicial Speakers Bureau brochure**



### SPEAKER'S REQUEST FORM

Name of organization \_\_\_\_\_

Date of event (include alternative dates, if possible) \_\_\_\_\_

Location of event \_\_\_\_\_

Request topic \_\_\_\_\_

Contact person \_\_\_\_\_

Telephone and e-mail address \_\_\_\_\_

Please return this form to \_\_\_\_\_ by faxing to \_\_\_\_\_ or e-mailing \_\_\_\_\_.

#### *Presented by:*

Local court \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-mail contact \_\_\_\_\_

Website address \_\_\_\_\_

# JUDICIAL SPEAKERS BUREAU



WASHINGTON  
COURTS

Further information regarding Washington's Judicial Branch of Government can be found online at [www.courts.wa.gov](http://www.courts.wa.gov)



## Invite a Judge to Speak to Your Group

## ABOUT THE COURTS

### Supreme Court

The Supreme Court is the state's highest court and consists of nine justices. Its opinions are published and become precedent for subsequent cases in Washington. The Supreme Court also governs the state court system.

### Court of Appeals

There are three divisions of the state Court of Appeals, based in Seattle, Tacoma and Spokane. The Court of Appeals hear all appeals from the superior courts and have the authority to reverse, remand, modify or affirm the decision of the lower court.

### Superior Courts

Superior courts hear civil and felony criminal cases and have the authority to hear cases appealed from courts of limited jurisdiction. Each court has a presiding judge, who with the help of an administrator oversees operations and serves as the court's spokesperson. There are 30 judicial districts in Washington State.

### District Courts

District courts have jurisdiction over both criminal and civil cases under \$75,000. They have jurisdiction over misdemeanors, gross misdemeanors and criminal traffic cases, including driving under the influence (DUI).

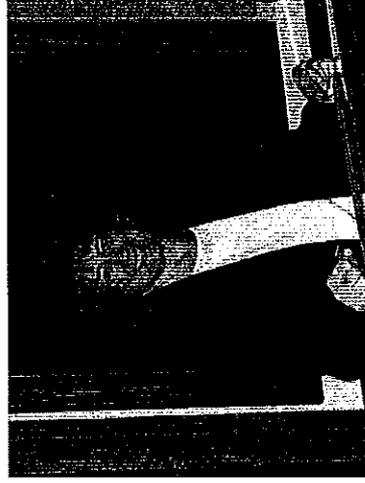
### Municipal Courts

Violations of municipal or city ordinances are tried in municipal courts. Like district courts, municipal court share jurisdiction over gross misdemeanors, misdemeanors and infractions.

## MISSION OF THE COURTS

To preserve the rule of law and protect the rights and liberties guaranteed to all Washingtonians in the United State and Washington State Constitutions, the courts will provide accessible, prompt and efficient forums for the fair and independent administration of justice, with a respect for the dignity of all we serve.

Understanding the court system and the role of the judiciary in our democracy is an important part of good citizenship. Washington's judges and court administrators welcome an opportunity to meet with your civic organization, club, professional organization or school.



You can invite a judge or court official to talk about issues that are important to your community.

## SUGGESTED TOPICS

- Courts 101: How the court system works in Washington
- A Jury Summons Arrives – Oh No! What to expect when called to serve
- Topic of Local Interest: Learning more about Juvenile Court; Drug Court; Mental Health Court or Family Courts
- A Day in the Life of a Judge
- The Third Branch: How the judiciary fits into our system of government
- Access to Justice: What are your Rights?

Please keep in mind...

Judges and court officials can speak about any topic involving the administration of justice. They cannot address issues involving pending cases.

*For more information about Washington Courts, go to our website at [www.courts.wa.gov](http://www.courts.wa.gov)*

## Speaker's Bureau Handouts:

- **Foundations of American Democracy brochure:** Published by the Washington State Bar Association, this pamphlet explains the Rule of Law, Separation of Powers, Checks and Balances, and Fair and Impartial Judiciary in language appropriate for high school students or general audiences. Download the **PDF version** or request printed copies from Pam Inglesby at **pami@wsba.org**.
- **Separation of Powers Handout:** A quick look at the concept of separation of powers.
- **Branches of Government Handout:** An explanation of how citizens interact with the judicial, executive and legislative branches of government.
- **Local Government Handout:** An explanation of how the judicial branch operates within the context of county and city governments.
- **Frequently Asked Question Sheet** designed for posting in all courts. This sheet covers frequently asked general questions, such as where to obtain information on forms, jury duty, traffic issues, fines and fees, domestic violence and more. The bottom of page two includes an area for local variations for your county as well as local resources for further information.
- **Superior Court Pro Se Litigant Information (Civil) Sheet** designed to be distributed by County Clerks and Superior Court Administrators' offices. This document addresses civil actions in superior court and outlines how to start an action against someone else, how to defend yourself from an action, terms you need to know, what to wear and how to act in court and a list of helpful phone numbers and websites.
- **Judicial Remarks to Prospective Jurors:** A sample script for judges or court staff who conduct jury orientation. Designed to explain the jury process and complement the Washington State Jury Orientation Video.
- **"What's Happening in Court?":** A coloring activity book for young people going to court in Washington State.
- **A Citizens Guide to Washington Courts:** An overview of the Washington State Court system.

## **Board of Judicial Administration's Public Trust and Confidence Committee**

### **Current Mission Statement**

To achieve the highest level of public trust in the judicial system by:

Assessing and re-assessing public opinion, concern and level of trust in the judicial system while developing strategies to address them.

Making recommendations to the Board for Judicial Administration regarding the need for legislative changes, or changes to court rules and procedures including those that reduce court complexity, cost, and delay while ensuring that the courts demographically reflect the communities they serve.

Identifying existing activities throughout the state aimed at achieving trust and confidence in the courts, while coordinating with the Council on Public Legal Education, Access to Justice Board and other entities working to improve the system.

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### **Proposed Vision, Mission and Goals Statement**

#### **Vision**

To achieve the highest possible level of public trust and confidence in the Washington judicial system

#### **Mission**

To assess the public's level of trust and confidence in the Washington judicial system and to develop strategies to increase that trust and confidence.

#### **Goals:**

1. To catalog potential and current activities promoting public trust and confidence in the judicial system.
2. To identify areas where public trust and confidence is lacking and to prioritize these needs for consideration by the committee.
3. To develop and disseminate tools and resources to address those needs.
4. To encourage and monitor use of tools and resources developed by the committee.
5. To collaborate with other individuals and groups working to improve public trust and confidence.

