COURT OF APPEALS
ADMINISTRATIVE RULES (CAR)

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RULE 1
SEAL

The seal of the Court of Appeals shall be in the vignette of George Washington, with the words "SEAL OF THE COURT OF APPEALS--STATE OF WASHINGTON" surrounding the vignette.

RULE 2
STYLE OF PROCESS

Processes of the Court of Appeals shall run in the name of the "State of Washington," bear attest in the name of the Chief Judge, be signed by the clerk of the court, dated when issued, sealed with the seal of the court, and made returnable according to such rules or orders as are prescribed by the court.

RULE 3
JUDGMENTS

The judgments and decrees of the Court of Appeals shall be final and conclusive upon all parties except when the Supreme Court has assumed jurisdiction of the cause.

RULE 4
SESSIONS

The regular sessions of each division of the Court of Appeals shall be held at the headquarters, or at such other locations within the division as may be designated by order of the Chief Judge of the division. Pursuant to Laws of 1969, 1st Ex. Sess., ch. 221, the first division shall have its headquarters in Seattle; the second division shall have its headquarters in Tacoma; and the third division shall have its headquarters in Spokane. Conferences and ceremonial sessions may be held at any location within the geographical boundaries of any division by order of its Chief Judge.

RULE 5
ADJOURNMENTS

Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court sitting at any time.

RULE 6
AUTHORITY

The presence of three judges and a concurrence of at least a majority thereof shall be required to dispose of a case, except for dismissal on stipulation of counsel of record. The Chief Judge may function on all procedural matters not affecting the content of the record or argument.

RULE 7
APPORTIONMENT OF BUSINESS

The Chief Judge shall apportion cases fairly among all judges of the

division.

RULE 8
CHIEF JUDGE

The judges of each division will select its Chief Judge. Generally the judge of each division having the shortest term to serve not holding his office by appointment or election to fill a vacancy shall be the Chief Judge and in case there shall be two judges having the same short term, the other judges of the division shall determine which of them shall be Chief Judge. In a division having more than four judges, the Chief Judge shall assign the judges to panels.

RULE 9
ACTING CHIEF JUDGE

Each division shall elect from time to time an Acting Chief Judge. The Acting Chief Judge shall perform the duties and exercise the powers of the Chief Judge during the absence or inability of the Chief Judge to act.

RULE 10
RIGHT OF SENIOR JUDGE TO ACT

In the absence or inability of both the Chief Judge and the Acting Chief Judge, the senior judge present, of the division, shall act as Chief Judge.

RULE 11
SENIORITY OF JUDGES

Seniority among the judges of the Court of Appeals shall be determined by length of continuous service on the Court of Appeals.

RULE 12
ACTS IN CONTEMPT OF COURT

It shall be contempt of this court for anyone to divulge to others than the judges or employees of this court any information relative to a case, except that which is of public record.

RULE 13
MINUTES--COURT BUSINESS MEETINGS

The court will cause to be recorded in a book kept for the purpose, minutes of all business meetings.

RULE 14
OPINIONS--WHEN FILED

All opinions filed with a clerk of a division shall be signed, except per curiams. All opinions in any one case shall be filed at the same time, and the time of filing shall be determined by the Chief Judge. Original opinions shall not be taken from the clerk's office.

RULE 15

{RESCINDED}

RULE 16
COURT PERSONNEL

Court of Appeals personnel will be appointed by and serve at the pleasure of the division of the court to which they report.

(a) Clerk's Office. Each division shall have a clerk and such other personnel for the operation of the office as are authorized by each Division. Before undertaking the duties, the clerk shall file with the Secretary of State an oath of office.

(b) Law Clerks and Secretaries. Each judge and Chief Judge is entitled to not less than two law clerks and one secretary.

(c) Commissioner. To promote the effective administration of justice, the judges of each division of the Court of Appeals will appoint one or more commissioners of the court. The salary of the commissioners will be fixed by the court.

(1) Deciding Motions. The commissioners will hear and decide those motions authorized by the Rules of Appellate Procedure and any additional motions that may be assigned to the commissioners by the court.

(2) Screening for the Court. The commissioners may screen appeals to the Court of Appeals and recommend whether a case should be disposed of by a published or unpublished opinion.

(3) Assisting Chief Judge. The commissioners may assist the Chief Judges in the initial consideration of personal restraint petitions and such other administrative and research duties as may be assigned.

(4) Judicial Law Clerks. The commissioners may assist the judges of the Court of Appeals with the selection of judicial law clerks, as desired by each judge. The commissioners will present an annual orientation for the new law clerks. The commissioners will prepare and periodically revise a manual for use by the judicial law clerks.

(5) Improving Administration of Justice. The commissioners will make recommendations to the court regarding procedures and the more effective use of judicial manpower in a particular division. The commissioners will serve on court committees when appointed thereto by the Chief Judges.

(6) Assistants. The commissioners may supervise and train staff attorneys and other personnel to assist the commissioners in carrying out the duties of the commissioner's offices as directed by the judges of each Division.

(7) Duties To Benefit Full Court. All duties performed by the commissioners are for the benefit of the court as a whole. The court may alter or add to the duties of the commissioners. In the performance of these duties the commissioners are responsible to the Chief Judges as executive officers of the court.

(8) Qualifications. The commissioners must be members in good standing of the Washington State Bar Association and, prior to appointment, have at least 5 years of experience in the practice of law or in a judicially related field.

(9) Oath of Office. Before entering upon the duties of the office, the commissioners will take and file an oath of office in the form prescribed by order of the Supreme Court. The oath will include a requirement that the commissioners adhere to the Code of Judicial Conduct.

(10) State Bar Association Membership. The commissioners are not prohibited, during term of office, from maintaining active memberships in the Washington State Bar Association. All commissioners are prohibited from engaging, directly or indirectly, in the practice of law in this state.

RULE CAR 17
REPORTER

The opinions of the Court of Appeals shall be published by the reporter of decisions of the Supreme Court, under the supervision of the Washington Court Reports Commission.

[Adopted effective September 12, 1969; amended effective January 3, 2006.]

RULE 18
LAW LIBRARIAN

The state law librarian shall counsel and advise in the selection of books, periodicals, and all other legal research materials for the use of the Court of Appeals. Acquisition of all such material shall be made through the State Law Library.

RULE 19
BAILIFF

The clerk of each division may serve as bailiff. The Chief Judge may designate a law clerk to serve as temporary bailiff.

RULE 20
MEMORIAL EXERCISES

At the beginning of the May term of each year, the court will conduct suitable memorial exercises for members or former members of the Court of Appeals who have died during the preceding year.

RULE 21
TRANSFER OF JUDGES AND CASES--
JUDGES PRO TEMPORE

(a) Generally. A judge of one division of the Court of Appeals may sit in any other division by mutual agreement of the Chief Judges of the two divisions involved. A case may be transferred from one division to another by written order of the Chief Judge of the transferring division, with the concurrence of the Chief Judge of the division to which the case is transferred.

(b) For Settlement Conferences. A judge or judge pro tempore of the Court of Appeals may be assigned to expedite the use of settlement conferences provided for under RAP 5.5 as follows:

(1) Judge. A judge of one division of the Court of Appeals may sit in any other division as a settlement conference judge or to replace during argument and decision a judge of another division who has acted as a settlement conference judge, by mutual agreement of the Chief Judges of the two divisions involved.

(2) Judge Pro Tempore. The Chief Judge of any division of the Court of Appeals may appoint an active or retired judge of a court of general jurisdiction to sit in that division as a settlement conference judge or to replace during argument and decision a judge who has acted as a settlement conference judge.

(c) Judges Pro Tempore. When a member of the court is disqualified or unable to function on a case for good cause, or whenever necessary for the prompt and orderly administration of justice, the Chief Judge of any division may by written order designate an active or retired judge of a court of general jurisdiction, or any active or retired justice of the Supreme Court or judge of the Court of Appeals as a judge pro tempore to sit with the court to hear and determine one or more cases. The designating order shall set forth the period of service.

RULE 22

(Reserved)

RULE 23
ADMINISTRATOR FOR THE COURTS

(a) Fiscal Services. Fiscal services for the Court of Appeals shall be provided by the Administrator for the Courts.

(b) Budgetary Planning. Each division shall submit to the Administrator for the Courts a proposed budget at such time and in such form as the Administrator for the Courts shall request. The Administrator for the Courts shall, with the advice and assistance of at least one judge from each of the divisions, prepare a proposed budget for the Court of Appeals.

(c) Statistics. The Administrator for the Courts, under the supervision of the Supreme Court and the Chief Justice, shall collect and compile statistical and other data reflecting the state of the dockets and any need for judicial assistance, and shall make reports of the business transacted by the Court of Appeals. The clerks of the Court of Appeals and all other officers and employees of the court shall comply with all requests made by the Administrator for the Courts, after approval by the Chief Justice, for information and statistical data bearing upon the business transacted and the judicial accomplishments of that court.

(d) Bond. The Administrator for the Courts shall obtain public employee faithful performance bond coverage for all court employees.

RULE 24

{RESCINDED}

RULE 25
REPORTING OF CRIMINAL CASES

On any criminal appeal taken to the Court of Appeals from a determination made by a court of lesser jurisdiction, the court clerk shall, within 5 court days of the filing of a final decision on the merits in the matter, forward to the Washington State Patrol Section on Identification on a form approved by the Administrator for the Courts its disposition of the particular case. In the event that collateral proceedings are brought in the Court of Appeals and the result of those collateral proceedings changes, or otherwise makes inaccurate, the information forwarded on the original disposition report, the court clerk shall prepare and forward to the Section a supplemental disposition report on a form approved by the Administrator for the Courts indicating thereon the information necessary to correct the current status of the disposition of charges against the subject maintained in the records of the section.

RULE 26
SPECIAL PANEL OF JUDGES PRO TEMPORE

(a) Purpose. As a result of the high number of appeals filed with the court in recent years which have created an excessive case backlog, special panels of the Court of Appeals will be created as provided for in these emergency rules for the purpose of reducing case backlogs to acceptable levels.

(b) Generally. When it is determined by a majority of the judges in any division that the assistance of pro tempore judges is necessary to relieve excessive case backlog, the Chief Judge of any division may by written order appoint as judges pro tempore active or retired justices of the Supreme Court or judges of the Court of Appeals or active or retired judges of the superior court or any attorney at law in this state meeting the qualifications hereinafter stated.

(c) Attorney Qualification and Compensation. To be qualified for appointment, attorneys at law must be members of the Washington State Bar Association in good standing and have at least 6 years experience in the active practice of law with substantial litigation experience. Attorneys at law will not be compensated for their services as judges pro tempore, but travel expenses will be reimbursed at rates approved by the Administrator for the Courts.

(d) Conditions of Appointment. Attorneys at law will not be used as judges pro tempore when active or retired judges are available in sufficient numbers to support a 3-judge panel sitting 1 day each week. Attorneys at law will be used as judges pro tempore only upon stipulation by all parties in the case, and no more than one attorney shall sit as a judge pro tempore on a panel. All parties shall receive written notice of the intent to use an attorney as a judge pro tempore and shall have at least 10 days from the receipt of said notice for filing written objection to the use of said attorney as a judge pro tempore. Failure to file a written objection to the attorney pro tempore within the 10-day period will be deemed a stipulation approving the use of said attorney as a judge pro tempore in said case.

In the event an objection to an attorney pro tempore is made, the case shall be removed from the special calendar and returned to its place on the regular hearing calendar.

(e) Termination. Authority extended under this rule will automatically terminate 12 months from date of adoption or on July 1, 1987, whichever is later, except for cases under consideration on the termination date.