PART II
RULES FOR APPELLATE COURT ADMINISTRATION

SUPREME COURT ADMINISTRATIVE RULES (SAR)

TABLE OF RULES

Rule
1 Seal
2 Style of Process
3 Judgments
4 Terms and Sessions of the Supreme Court
5 Adjournments
6 Two Departments--Assignment of Justices
7 Reserved
8 Chief Justice, Choice of--Duty
9 Associate Chief Justice
10 Right of Senior Justice To Act
11 Seniority of Justices
12 Acts in Contempt of Court
13 Minutes--Court Business Meetings
14 Opinions--When Filed
15 Commissioner of the Supreme Court
16 Clerk of the Supreme Court--Appointment--Powers--Duties
17 Reporter--Appointment--Duties
18 State Law Library
19 Bailiff--Appointment--Duties
20 Memorial Exercises
21 Justices Pro Tempore
22 Reporting of Criminal Cases
23 Motion for Reconsideration

RULE 1
SEAL

The seal of the Supreme Court shall be the vignette of General George Washington, with the words, "SEAL OF THE SUPREME COURT--STATE OF WASHINGTON," surrounding the vignette.

RULE 2
STYLE OF PROCESS

Process of the Supreme Court shall run in the name of the "State of Washington," bear attest in the name of the Chief Justice, 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 Supreme Court shall be final and conclusive upon all the parties properly before the court.

RULE 4
TERMS AND SESSIONS OF THE SUPREME COURT

The regular terms of the Supreme Court shall be held in the Supreme Court, the Temple of Justice, at the capital, beginning on the second Monday of January, the second Monday of May, and the second Monday of September each year. The court will not sit for the regular hearing of cases in July and August.

Sessions of the court shall commence at 9 a.m. or at such other time as the court may order.

At the direction of the Chief Justice, sessions of the Supreme Court may be held outside Olympia at other locations in the state of Washington. The times and places of such sessions will be designated by the court.

Hearings en banc, rehearings, and special hearings may be set by the court in its discretion at such other times as the court may order.

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
TWO DEPARTMENTS--ASSIGNMENT OF JUSTICES

The court may be divided into two departments for the hearing of motions and such other matters as the Chief Justice may designate. The Chief Justice shall assign four of the associate Justices to each department, and such assignment may be changed by the Chief Justice from time to time, provided that the associate Justices shall be competent to sit in either department and may interchange with one another by agreement among themselves, or, if no such agreement is made, as ordered by the Chief Justice.

The Chief Justice shall sit in both departments and shall preside when so sitting.

RULE 7

(RESERVED)

RULE 8
CHIEF JUSTICE, CHOICE OF--DUTY

A. Quadrennial Nomination and Election of Chief Justice

Commencing in November 1996 and continuing every four years thereafter, the Supreme Court shall select from among its membership a Chief Justice who will serve a four-year term. The term of the person so elected shall commence on the second Monday in January next succeeding the election. All members of the court at the time of the election, except those Justices who it is known will not be members of the court on the second Monday in January next, shall be eligible for election to the position, including the incumbent Chief Justice and

Justices who have less than four years to serve on their current term of office.

Nominations for the position of Chief Justice shall be made orally at the meeting of the court at which the election is conducted. All Justices on the court at the time the election is held are eligible to vote. The vote shall be by secret ballot and the Justice receiving a majority of the votes of the full court shall be deemed elected to the position.

B. Resignation of a Chief Justice and Election of a Successor

The Chief Justice may resign at any time from that position without resigning from the court. In that event or in the event of the death, resignation, or removal of the Chief Justice, the remaining Justices of the court shall elect a successor to the position of Chief Justice in the same manner as the quadrennial election of a Chief Justice. The Justice so elected shall serve the remainder of the term of the Chief Justice that Justice replaces.

The Chief Justice shall be the executive officer of the court, preside at all sessions of the Supreme Court and shall do and perform those duties required of the Chief Justice by the constitution and laws of the State of Washington and the rules of this court, and shall serve as coordinator between the two departments.

RULE 9
ASSOCIATE CHIEF JUSTICE

The position of Associate Chief Justice shall be held by the senior Justice of the court, other than the Chief Justice. In the event the senior Justice declines to serve in that position, the next most senior Justice shall be designated as Associate Chief Justice. The Associate Chief Justice shall perform the duties and exercise the powers of the Chief Justice during the absence or inability of the Chief Justice to act.

RULE 10
RIGHT OF SENIOR JUSTICE TO ACT

In the absence or inability of both the Chief Justice and the Associate Chief Justice, the senior Justice present at the capitol shall act as Chief Justice.

RULE 11
SENIORITY OF JUSTICES

Seniority among the Justices of the Supreme Court shall be determined by length of continuous service on the court.

RULE 12
ACTS IN CONTEMPT OF COURT

It shall be contempt of this court for anyone to divulge to others than the Justices and employees of this court working upon an opinion, the results of any proceeding or the identity of the assignment Justice prior to the time the opinion is filed by the Clerk of the Supreme Court.

RULE 13
MINUTES--COURT BUSINESS MEETINGS

The court will cause to be recorded in a book kept for that purpose minutes of all business meetings. The Justice junior in length of service shall act as secretary.

Minutes relating to case conferencing are confidential. Minutes relating to the general business of the court may be made public at the discretion of the court.

RULE 14
OPINIONS--WHEN FILED

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

RULE 15
COMMISSIONER OF THE SUPREME COURT

(a) Appointment. To promote the effective administration of justice, the Justices of the Supreme Court will appoint a commissioner of the court. The salary of the commissioner will be fixed by the court. The commissioner may be removed at the pleasure of the Supreme Court.

(b) Deciding Motions. The commissioner will hear and decide those motions authorized by the Rules of Appellate Procedure and any additional motions that may be assigned to the commissioner by the court. The commissioner will determine whether to accept cases certified by the Court of Appeals to the Supreme Court.

(c) Screening for the Court. The commissioner will screen petitions for review and direct appeals to the Supreme Court and recommend whether Supreme Court review should be granted. Except for motions to modify a ruling of the commissioner, the commissioner will also screen motions which are to be decided by the Justices and recommend to the court an appropriate disposition for each motion. When necessary, screening memoranda will contain an evaluation sufficiently comprehensive to assist each Justice in independently deciding the matter being screened.

(d) Assisting Chief Justice. The commissioner will assist the Chief Justice with motions to file amicus curiae briefs.

(e) Judicial Law Clerks. The commissioner will present an annual orientation for the new law clerks. The commissioner will prepare and periodically revise a manual for use by the judicial law clerks.

(f) Improving Administration of Justice. The commissioner will make recommendations to the court regarding procedures. The commissioner will serve on court committees when appointed thereto by the Chief Justice.

(g) Central Staff. The commissioner will employ and train staff attorneys and other personnel to assist the commissioner in carrying out the duties of the commissioner's office. These employees shall serve at the pleasure of the commissioner. To the extent appropriations permit, the court will authorize the commissioner to employ sufficient staff to assist the court in expeditiously fulfilling its duties to promptly fulfill the duties of the office.

(h) Duties To Benefit Full Court. All duties performed by the commissioner are for the benefit of the court as a whole. The court may alter or add to the duties of the commissioner.

(i) Qualifications. The commissioner must be a member 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.

(j) Oath of Office. Before entering upon the duties of the office, the commissioner 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 commissioner adhere to the Code of Judicial Conduct.

(k) Prohibition From Practice of Law. The commissioner and the attorneys employed by the commissioner are prohibited, during term of office, from acting as an attorney.

(l) Deputies. The commissioner may have one or more deputies, to be appointed by the commissioner in writing, to serve during the commissioner's pleasure. The deputies shall have the power to perform any act or duty relating to the commissioner's office that the commissioner has, and the commissioner is responsible for their conduct.

[Amended effective January 3, 2006.]

RULE 16
CLERK OF THE SUPREME COURT--APPOINTMENT--POWERS--DUTIES

(a) Appointment. The Justices of the Supreme Court shall appoint a clerk of that court, who may be removed at their pleasure. The clerk shall receive such compensation by salary only as shall be fixed by the court.

(b) Deputies. The Clerk of the Supreme Court may have one or more deputies, to be appointed by the clerk in writing, to serve during the clerk's pleasure. The deputies shall have the power to perform any act or duty relating to the clerk's office that their principal has, and their principal is responsible for their conduct.

(c) Prohibited Activity. The clerk and deputies are prohibited, during their continuance in office, from acting as an attorney.

(d) Oath. Before entering upon the duties of office, the clerk and each deputy clerk shall take an oath of office, which oath shall be deposited with the Secretary of State.

(e) Hours. The clerk shall keep the clerk's office at the seat of government open at such hours as the court shall require.

(f) Powers and Duties. The Clerk of the Supreme Court is given the power and shall have such other powers as are authorized by the court or by statute.

It is the duty of the clerk--

(1) To keep the seal of the court and affix it in all cases where the clerk is required by law;

(2) To record the proceedings of the court;

(3) To keep the records, appertaining to the court, which may be kept electronically/digitally when authorized by the court;

(4) To file all papers delivered, in any action or proceeding in that court, except when the rules of court direct otherwise.

(g) The clerk shall do and perform any and all other duties as may be prescribed by the Supreme Court.

RULE 17
REPORTER--APPOINTMENT--DUTIES

(1) The Justices of the Supreme Court shall appoint a reporter for the opinions of the court, who shall be removable at their pleasure. The reporter shall receive such annual salary as shall be fixed and determined by the Supreme Court.

(2) The reporter shall provide for publication of the rules of court as directed by the court.

(3) The reporter shall be a member of the Washington Court Reports Commission and shall perform any and all other duties as may be prescribed by the Supreme Court or by statute.

(4) The reporter shall provide for publication of opinions in advance sheets and in permanent volumes of the Washington Reports and the Washington Appellate Reports. The opinions shall be published chronologically, unless otherwise directed by the court. Publication of opinions shall include the title of each case, a list of the precedential holdings in the opinion, a summary of the nature of the action and prior court proceedings, and the names of counsel. Each advance sheet shall contain a table of cases and a subject index. The last advance sheet of a volume shall contain a cumulative table of cases and subject index.

Before publishing the permanent volume, the advance sheet material shall be revised by adding volume and page numbers for recent citations and dispositions of motions for reconsideration, petitions for review, and other post filing dispositions. The reporter shall also make corrections for typographical errors noted in the advance sheets, revisions of language directed by modification orders, and changes otherwise directed by the courts. Opinions withdrawn shall be deleted, and tables and indexes shall be revised accordingly. Additional material such as memorials and rolls of attorneys shall be inserted in the permanent volume as directed by the courts or in the discretion of the reporter.

[Amended effective January 3, 2006.]

RULE 18
STATE LAW LIBRARY

The following rules shall govern the operation of the State Law Library:

(a) State Law Library--General. The primary function of the State Law Library shall be to maintain a legal research library at the state capital for the use of all state officials and employees, equipped to serve them effectively with legal research materials required by them in connection with their official duties. Specifically included, but not limited to, are members, staff, and employees of the:

(1) Supreme Court
(2) Office of Administrator for the Courts
(3) Attorney General
(4) Legislature
(5) Governor's Office
(6) Commissions, agencies, and boards of all branches of state government.

(b) Public Use. In addition to the groups provided in section (a), the library shall be open to the public each day of the week from 8 a.m. to 5 p.m. except Saturdays, Sundays, and those legal holidays provided in RCW 1.16.050.

(c) After-Hours Use. In addition to the hours for public use as provided in section (b), and when required by them in connection with their official duties, those persons provided for in section (a) may, upon application to the law librarian, have access to the library collection during evenings, weekends, and holidays.

(d) State Law Librarian--Appointments. The court will appoint a law librarian who may be removed at its pleasure.

(e) State Law Librarian--Duties. The state law librarian shall:

(1) Maintain as complete and up-to-date law library as possible;
(2) Administer the library in accordance with the best professional standards and protect library property from loss or damage;
(3) Do legal research for any Supreme Court Justice when he or she requests it;
(4) Establish, develop, and maintain legal research libraries for each division of the Court of Appeals;
(5) Upon request, advise and consult with boards of trustees, or other administrative bodies, of county law libraries in the development, improvement, arrangement, and maintenance of county law library collections and services;
(6) Promote improved statewide law library service to all citizens of the state of Washington by lending of legal materials and providing reference assistance in any manner not inconsistent with the primary responsibility of the State Law Library as set forth in section (a);
(7) Make distribution of legislative journals, session laws, Washington Reports, and Washington Appellate Reports as required by statute;
(8) Perform any and all other duties as may be prescribed by the Supreme Court or by statute.

RULE 19
BAILIFF--APPOINTMENT--DUTIES

The court will appoint a bailiff whose duties shall be to attend all sessions of the court, maintain official hearing records, ensure that proper courtroom procedures are observed and do and perform such other duties as may be required by the court. Additionally, the bailiff is chief security officer for the court, providing and coordinating security on site and when the court travels.

RULE 20
MEMORIAL EXERCISES

During the week before the beginning of the May term of each year, the court will conduct suitable memorial exercises for members or former members of the Supreme Court who have died within the preceding year.

SAR RULE 21
JUSTICES PRO TEMPORE

(a) Generally. If one or more justices recuse on a case which reduces the court to an even number, a pro tempore justice shall be appointed by the Chief Justice when available, unless a majority of the court directs otherwise. In all other cases of recusal, the Chief Justice shall notify the other justices, in writing, of the recusal as soon as the fact of recusal becomes known to the Chief Justice, and the majority shall direct whether a pro tempore justice should be appointed when available.

(b) Qualifications. If a pro tempore justice is to be selected, the proposed selection shall be made in the manner set forth hereafter by the Chief Justice, or at the Chief Justice's option by the Clerk of the Court, from a list of active and retired court of appeals judges. The list shall be approved on an annual basis by a majority of the Court. All retired appellate judges will be included on the list, except those who prefer not to be on the list or who are (1) incapacitated, (2) litigants whose cases have been in this court or will likely come to this court, (3) over 75 years of age (the mandatory judicial retirement age in this state), or (4) practicing law as a sole practitioner, member of a law firm, or of counsel to a law firm, or legal

counsel for any private, nonprofit, or government entity.

(c) Selection. When a pro tempore justice is to serve in a case, the names on the pro tempore list will be put on separate slips and drawn from a container by the Clerk to ensure that selection is random. A pro tempore justice so selected who agrees to serve will serve on all the cases, where a pro tempore justice is needed, on a given court day. A separate drawing will be held for each day.

(d) Oath. A justice pro tempore shall take the oath of office required by article 4, section 28 of the state constitution. The oath of office, together with the original order of appointment, shall be filed forthwith in the office of the Secretary of State. A copy of the oath and order of appointment shall be filed in the office of the Clerk of the Supreme Court.

(e) Duties of the Justice Pro Tempore.

(1) A justice, while serving pro tempore, shall have the same power and authority as a Justice of the Supreme Court, and the pro tempore justice shall perform such duties as the court may direct. Justices pro tempore shall author majority opinions at the discretion of the Chief Justice.

(2) A justice pro tempore will function promptly on opinions and motions for reconsideration on which the pro tempore justice is qualified to function. When such opinions are received by the pro tempore justice after the period of the appointment has expired, the original period of office as a justice pro tempore shall be deemed to exist in order for the pro tempore justice to function and to accomplish the ministerial act of filing the opinion.

(f) Publication of Opinions.

(1) Dissents and Concurrences. Dissents or concurrences written by a justice pro tempore shall be published in regular form, except that a reference symbol shall be placed after the name, directing attention to a footnote which shall read:

"Justice _____ is serving as a justice pro tempore of the Supreme Court pursuant to Const. art. 4, section 2(a) (amend. 38)."

(2) Opinions signed by a justice pro tempore shall be published in the regular form, except that the name of the justice pro tempore shall follow the names of the Justices of the Supreme Court signing such opinion, with the designation "Pro Tem." after the signature.

(3) There shall appear, in each bound volume of the Washington Reports, on the page following the page listing the Justices of the Supreme Court, the names and terms of office of the justices pro tempore who served during the period covered by the published volume.

[Amended effective June 1, 2010]

RULE 22
REPORTING OF CRIMINAL CASES

{Reserved. See RCW 10.97.045}

RULE 23
MOTION FOR RECONSIDERATION

A Justice who has not participated in an opinion rendered by the Supreme Court shall not be entitled to act on a motion for reconsideration.