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NO. 95479-8

SUPREME COURT OF THE STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES, et al.,

Appellants,

v.

ANTHONY JASON SIMS, et al.,

Defendants.

**SUPPLEMENTAL BRIEF OF THE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

ROBERT W. FERGUSON
Attorney General

JAY D. GECK, WSBA 17916
Deputy Solicitor General

GREGORY K. ZISER, WSBA 43103
Assistant Attorney General

Attorneys for Department of Social
and Health Services

Office ID 91087
PO Box 40100
Olympia, WA 98504-0100
360-753-6200 : jayg@atg.wa.gov

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I. INTRODUCTION

The Court of Appeals reversed in part contempt sanctions issued against the Department of Social and Health Services. The sanctions arose after the Department's funding limitations prevented it from performing mental health evaluations per a schedule demanded by a criminal court. The Court of Appeals reached the correct conclusion that the trial court imposed impermissible punitive sanctions. The court, however, erred with regard to two significant details when it severed and partially upheld the sanctions.

First, the Court of Appeals erred in affirming post-judgment interest on the sanctions. As this Court has long held, the State is subject to interest on its debts only if the Legislature waives sovereign immunity to such interest. Imposing interest on the sanctions is error because the Legislature has not waived sovereign immunity for post-judgment interest on remedial contempt under RCW 7.21.030(2). The Court of Appeals erred by concluding that immunity from interest is waived by RCW 7.21.030(3), which provides for compensatory damage awards for contempt. That separate power of compensation, however, does not logically suggest that the State waived immunity to interest on remedial contempt sanctions.

The Court of Appeals also erred by treating the oral contempt rulings of the trial court as effective at the time orally rendered, without requiring entry of a written order for the orders to take effect. That ruling is contrary

to precedent requiring that orders be in writing to be effective, see p. 18, below, and contrary to court rules ensuring fair procedures and appellate rights for parties facing coercive contempt. Remedial contempt is prospective, and remedial contempt orders require findings, precise requirements for compliance, and clear conditions for how to purge the contempt. *See* RCW 7.21.030(2); *cf.* CR 54(a)(2) (“Every direction of a court or judge, made or entered in writing . . . is denominated an order.”); CR 65(d) (injunctive orders in writing). The best reading of the contempt statute and civil rules is that remedial contempt orders must be written before prospective sanctions take effect. This Court should reverse the sanctions imposed before the written orders.

II. ISSUES PRESENTED FOR REVIEW

1. Whether the State waived sovereign immunity to imposition of interest on remedial contempt sanctions imposed under RCW 7.21.030(2), where the statute does not expressly allow interest against the State and there is no indication that a waiver is implied.

2. When a court imposes remedial contempt sanctions under RCW 7.21.030(2), must it do so in writing for the sanctions to have prospective effect, or can a written order retroactively impose sanctions from the date of an oral ruling?

III. STATEMENT OF THE CASE

This is an appeal of twenty-eight consolidated criminal cases with similar facts. Twenty-seven cases arise from Spokane County criminal proceedings before one judge and the remaining case, *State v. Lopez*, took

place in Adams County Superior Court. The litigants agree that *State v. Sims*, Spokane County Super. Ct. No. 14-1-01738-4, represents the cases on appeal, but the details of the orders and sanctions in all twenty-eight cases are found in Appendix 1 and show three things: first, the date of a show cause hearing and oral ruling against the Department for failure to provide competency evaluation services; second, the date the court entered a written order of contempt; and, third, the sanction period and number of days. These details reveal that sanctions were: (1) imposed per day for days *before* the hearing (which the Court of Appeals reversed); (2) imposed for days *after* the hearing but *before* entry of a written order; and (3) imposed for days after a written order. The Department does not seek relief regarding sanctions imposed after a written order.

No defendant asked for compensation under RCW 7.21.030(3). CP at 1533-34, 1826-33. The trial court ordered the sanctions remitted to a Spokane County account. CP at 1834-35.

A. The Written Contempt Order in *Sims* Imposed Sanctions for the Period before the Hearing and for the Period before the Written Findings and Order

A criminal court ordered the Department to evaluate Sims' competency to stand trial and directed the Department to complete the evaluation by December 2, 2014. CP at 1533-34. When the evaluation had not occurred on that date, Sims' counsel obtained a show cause order

requiring Eastern State Hospital, a facility operated by the Department, to show cause why it had not completed the evaluation and why contempt should not be imposed. CP at 1533-34. Counsel for Sims asked for remedial monetary contempt sanctions, citing RCW 7.21.030(2). CP at 1536. The Department responded by showing 100 percent occupancy at the hospital, the increased demand for forensic mental health services, the present waiting list (which the trial court's scheduling circumvented), and its ongoing efforts to increase capacity. *See, e.g.*, CP at 1544-56.

The court held a hearing on Sims' show cause motion on December 11-12, 2014, simultaneously with motions in five other criminal cases also joined in this appeal. CP at 1572. The court found that failure to meet the court's deadline, even because of funding and capacity limits, constituted intentional contempt. CP at 1575. The Department argued that sanctions could begin accruing only after entry of a written contempt order. *E.g.*, CP at 1555. But the trial court orally ruled it would impose sanctions of \$200 per day "measured from the dates in which the Court had set the evaluations to be done." *State v. Cooper, State v. Johnston, State v. Larson, State v. Owen, State v. Ponders, State v. Sims*, VRP at 57-58.

The court later entered a written order on January 16, 2015, imposing "\$200 per day . . . from December 2, 2014 through December 14, 2014." CP at 1576-77. The written order indicated that the Department had

provided the evaluations before the written order for some of the cases. CP at 1576. For example, the Department had examined Sims just days after the *Sims* contempt hearing and oral ruling, although in other cases the sanctions continued after a written order. *See* App. 1. One year later, the court entered a \$2,600 judgment naming the Department as the judgment debtor. CP at 1578-79. It provided for judgment interest at “12% per annum.” CP at 1578.

B. The Court of Appeals Ruled that Sanctions Imposed for Noncompliance Prior to an Oral Finding of Contempt Are Unlawfully-Imposed, Punitive Sanctions and Reversed in Part

The Department appealed and argued that the contempt orders were invalidly imposed as retroactive, punitive contempt without compliance with RCW 7.21.040. The Court of Appeals agreed in part, holding that the contempt sanctions were in part “punitive” and invalid. *State v. Sims*, No. 34120-8-III, slip op. at 3 (Wash. Ct. App. Dec. 7, 2017) (reported at 1 Wn. App. 2d 472, 406 P.3d 649 (2017)). But the Court of Appeals held that only sanctions from *before* the hearing and oral ruling were punitive and affirmed sanctions imposed before entry of a written order. Slip op. at 7, 9-10.¹

¹ Professor Tegland explains: “If the sole purpose of the contempt proceeding is to punish, rather than to coerce, the procedures for imposing remedial sanctions are inapplicable, and the court must instead follow the more rigorous procedural requirements for imposing punitive sanctions.” 15 Karl B. Tegland, *Washington Practice: Civil Procedure* § 43:6 (2009).

The Court of Appeals also affirmed post-judgment interest on remedial sanctions against the State. Slip op. at 11-13. It reasoned that the State impliedly waived immunity to that interest in RCW 7.21.030(3), which authorizes compensatory relief to parties injured by contempt. Slip op. at 11-13. Although no compensatory relief was at issue here, the court concluded that by authorizing compensation it meant the Legislature consented to interest on *any* type of contempt sanction. Slip op. at 12-13.

Judge Korsmo dissented. He concluded that legislative funding was the reason for delays in competency examinations, which was not a sound basis for contempt. He criticized the trial court for using coercive sanction power in individual criminal cases to address that systemic problem. He also questioned the interest award and sympathized with the need for contempt rulings to occur in writing.

IV. ARGUMENT

A. Standard of Review

A court reviews de novo a trial court's authority to impose contempt sanctions. *In re Dependency of A.K.*, 162 Wn.2d 632, 644, 174 P.3d 11 (2007). Similarly, whether the contempt statutes waive state sovereign immunity for interest is a question of law.

B. No Interest is Due on a Remedial Contempt Sanction against the State Because the Legislature Has Not Waived Sovereign Immunity to Interest on that Obligation

The State is not liable for interest on its obligations unless it has expressly waived sovereign immunity with respect to interest, or impliedly made itself liable “by reasonable construction of a contract or statute.” *Union Elevator & Warehouse Co. v. Dep’t of Transp.*, 171 Wn.2d 54, 59, 248 P.3d 83 (2011) (citing *State v. Hallauer*, 28 Wn. App. 453, 455, 624 P.2d 736 (1981); *Architectural Woods, Inc. v. State*, 92 Wn.2d 521, 526, 598 P.2d 1372 (1979)). Accordingly, state liability for interest on a remedial sanction depends on the legislative intent revealed by statutory construction. *Union Elevator*, 171 Wn.2d at 60; *see also* Const. art. II, § 26 (“legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state”).

1. The absence of language in RCW 7.21 imposing interest against the State shows the State has not waived immunity to such interest

Legislative intent is determined first by statutory language. In *Union Elevator*, this Court required “focus . . . on the statutory language and purpose of the [statute] to determine whether the legislature intended to waive the State’s sovereign immunity.” *Union Elevator*, 171 Wn. 2d at 65. *Union Elevator* affirmed that if a statute is to be a basis for state liability, then it must expressly, or by reasonable statutory construction, demonstrate

intent to waive immunity and subject the State to interest. *Id.* at 59. Similarly, *Architectural Woods* follows the same framework for addressing the question of interest. *Architectural Woods*, 92 Wn.2d at 526-29.

The absence of statutory language in the contempt statutes concerning state liability and state liability for interest indicates that the Legislature did not waive sovereign immunity as to post-judgment interest on remedial sanctions. Under the line of cases reviewed in *Union Elevator*, that absence of statutory language concerning interest on a remedial sanction should resolve the first issue in this appeal.

For example, in *Our Lady of Lourdes Hospital v. Franklin County*, 120 Wn.2d 439, 842 P.2d 956 (1993), this Court examined the City and County Jails Act, RCW 70.48.130, and whether the Department had to reimburse Franklin County for medical costs incurred for two inmates. The case held that the statute obliged payment of medical costs but not interest. This Court's reasoning focused on the statutory language and the fact that it did not expressly waive sovereign immunity for such interest, and that there was no contractual agreement to pay interest. *Id.* at 456.

Similarly, in *Shum v. Department of Labor and Industries*, 63 Wn. App. 405, 819 P.2d 399 (1991), the court reviewed statutory language and rejected prejudgment interest on pensions under RCW 51.52.135. The court observed that, "[i]t is inappropriate to imply a waiver of sovereign immunity

when what is being administered is entirely statutory.” *Shum*, 63 Wn. App. at 411; *see also Norris v. State*, 46 Wn. App. 822, 825, 733 P.2d 231 (1987) (“There is no room for implication here; a statute speaks to the point.”); *Union Elevator*, 171 Wn.2d at 67 (citing *Shum* with approval).

In *Kringel v. Department of Social and Health Services*, 45 Wn. App. 462, 726 P.2d 58 (1986), the court held that the State had not waived sovereign immunity for interest on back pay required by RCW 41.06.220. The rule applied by that court recognized that waiver of immunity from interest “could be manifested expressly by statute or could be found by implication in situations where State agencies were authorized to enter into contracts.” *Kringel*, 45 Wn. App. at 463-64. The court, however, recognized that state personnel matters are governed entirely by statute, and such statutory relationships do not give rise to “contractual expectancies” as the basis for interest as in *Architectural Woods*. *Id.* at 464; *see also Union Elevator*, 171 Wn.2d at 67-68 (citing *Kringel* with approval).

These cases demonstrate that the lack of express interest language in the contempt statute is especially telling. The lack of express language is particularly important in light of the examples where the Legislature uses express language to waive sovereign immunity for interest. For example, RCW 4.56.110 and .115 provide for interest on judgments founded on “tortious conduct” of the State. *See also* RCW 51.32.080(4) (interest on

disability awards); RCW 82.32.060 (interest on tax refunds). No such language exists in the remedial contempt statute. Nor does contempt involve tortious conduct, so RCW 4.56.110 and .115 are inapplicable. *See State v. Thiessen*, 88 Wn. App. 827, 829-30, 946 P.2d 1207 (1997) (State is not required to pay interest on a reimbursement award to a criminal defendant where the award is not based on tortious conduct).

Remedial contempt is now a creature of statute. As a result, this case is governed by the rulings above interpreting analogous issues in statutes that govern pensions, back pay, and health cost reimbursements. Like the statutes governing those other benefits (RCW 41.06.220, RCW 51.52.135, RCW 70.48.130), the language of RCW 7.21.030(2) provides no basis for imposing interest on a remedial contempt sanction.²

2. Implicit waivers have been found only when the State consents in a statute to suit for damages

The analysis from *Union Elevator* also examines the “purpose” of a statute to determine whether a “reasonable construction” of the statute reveals an intent to waive immunity. The purposes of the remedial contempt statute do not imply that the Legislature has waived immunity to interest on

² Although courts have inherent contempt powers, e.g., *Blanchard v. Golden Age Brewing Co.*, 188 Wash. 396, 423, 63 P.2d 397 (1936), inherent judicial powers provide no basis for finding legislative intent to waive immunity and in any event is not at issue here.

contempt sanctions, because the purposes of remedial contempt do not require the imposition of interest.

To find an implicit waiver of liability for interest, this Court has relied on broad purposes such as legislative consent to a suit for damages where interest is deemed to be intended by the purpose of providing such damages. *See Architectural Woods*, 92 Wn.2d 521. In *Architectural Woods*, this Court found a waiver to interest because the State consented to contracts and thereby waived immunity for associated claims for contract damages, which reasonably require interest for full compensation. *Id.* at 526-29. In *Smoke v. City of Seattle*, 132 Wn.2d 214, 937 P.2d 186 (1997), this Court found an implied waiver of sovereign immunity to post-judgment interest claims under RCW 64.40, which is similarly a statute providing a cause of action against government for damages. *Smoke* reasoned that when the State makes a blanket waiver subjecting itself to damages, it waives immunity to interest on such damages. *Smoke*, 132 Wn.2d at 228.

Remedial contempt sanctions, however, are not damages or compensation. Interest does not compensate the court or entity receiving sanction. The court is not a judgment debtor to be made whole. Instead, remedial contempt sanctions are self-contained judicial orders that coerce compliance with other court orders. RCW 7.21.010(1)(b), (3); 15 Tegland § 43:6. The coercive effect results from the sanction, and there is no need

to add interest to achieve that purpose. Indeed, by the time the court determined that it would impose post-judgment interest, the Department had long complied with the underlying court orders. CP at 1578-79.

Post-judgment interest not only served no coercive effect here, it is unlikely to do so in any case because it is necessarily imposed after the contempt is purged and the total amount of remedial sanctions owed have been determined in the judgment. Even then, the coercive effect of interest is insignificant compared to the coercive effect of a sanction. And, a sanction can always be increased to ensure its effectiveness, again eliminating any need to stack on interest long after the contempt is purged.

3. The Court of Appeals Erred by Relying on RCW 7.21.030(3) to Deduce an Intent to Waive Sovereign Immunity to Interest in any Contempt Judgment Against the State

The Court of Appeals held that a waiver of immunity to interest was implied by RCW 7.21.030(3), a statute providing for compensation. It then stretched that implied waiver into an implied waiver of immunity to interest on remedial contempt sanctions. That logic should be rejected.

First, the trial court did not provide compensation under RCW 7.21.030(3); it imposed a coercive sanction under RCW 7.21.030(2). But, even assuming that the compensation statute impliedly waives state immunity to interest on damages (an issue this Court need not address), that

does not warrant imposing interest on coercive sanctions. Those two provisions serve distinct purposes—one is a coercive sanction and the other is compensation to a damaged person. Interest on one has nothing to do with the other.

Moreover, by relying on subsection (3) to justify its conclusion that subsection (2) included an implied waiver, the Court of Appeals made the same error this Court reversed in *Union Elevator*. That case held that the waivers of immunity for interest in eminent domain statutes cannot be used to find implied waiver of immunity to interest in a related but separate statute, the Relocation Assistance Act. *Union Elevator*, 171 Wn.2d at 68 (“statutes imposing condemnation award damages cannot be reasonably construed to waive sovereign immunity for interest on relocation assistance awards”). That approach should have been followed by the Court of Appeals to conclude that even if a waiver were inferred for compensation awards in contempt proceedings, it provides no insight into whether the Legislature intended to waive immunity in the context of a separate power to impose coercive, remedial contempt in RCW 7.21.030(2).

The Court should therefore reverse the interest award in these consolidated appeals.

C. A Remedial Contempt Order Should Not Be Enforceable until Written and Entered by a Court

The remedial contempt statute provides:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions: [describing sanctions].

RCW 7.21.030(1)-(2). "Remedial sanction" means "a sanction imposed *for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.*" RCW 7.21.010(3) (emphases added). Thus, this statutory power of remedial contempt is prospective only.

Under these statutes, remedial sanctions depend on formal procedures, including "motions," "notice," "hearings," and "findings" before being imposed. Plus, "[a]n order imposing remedial sanctions must contain what has become known as a *purge clause*[".]" 15 Tegland § 43:8 (collecting cases). Without clear purge conditions, contempt is punitive and must be reversed absent compliance with the rigorous procedures for punitive contempt. 15 Tegland § 43:8; *see* RCW 7.21.040.

1. The Court of Appeals' reasons for allowing oral rulings to impose coercive contempt are unsound

The Court of Appeals ruled that it would not require written contempt orders for fear that this would make verbal orders “ineffective” or subject to being “ignore[d] . . . until the order is put in writing.” Slip op. at 9. This reasoning lacks substance.

First, the concern that verbal coercive sanctions could be ignored is a hollow concern. It ignores the fact that it is extraordinarily simple to reduce a remedial contempt order into writing. Indeed, after a motion, notice, and hearing, and after a court makes findings and defines purge conditions in a ruling, signing and entering a written order is no burden at all. Thus, if this Court holds that coercive sanctions can take effect only when put in writing, it creates no risk that oral rulings will be ignored; parties and judges will simply follow that ruling.

Second, even if a court or party delays entering a written order, the contemnor ignores an oral ruling at significant peril. For example, intentional delay in the face of an oral ruling puts the party at risk of punitive contempt under RCW 7.21.040. It may also justify the court increasing the coercive contempt sanction when it is reduced to writing and entered.

Thus, to the extent there is a concern that a party could violate a verbal coercive contempt order, putting the order in writing, resorting to punitive contempt, or increasing sanctions readily eliminates that concern.

2. A ruling that remedial sanctions are limited to prospective application of written orders best reflects the statutory requirements for coercive contempt, while providing fairness for sanctioned parties and efficient operation of the judiciary

Not only do the Court of Appeals' stated reasons lack substance, there are sound reasons to limit coercive sanctions to written orders.

First, the requirements of RCW 7.21.030 signal the need for written orders. For example, the statute requires findings of fact and purge conditions, both of which point to the need for written orders. *State v. Mecca Twin Theater & Film Exch., Inc.*, 82 Wn.2d 87, 92, 507 P.2d 1165 (1973) (citing *State ex rel. Dunn v. Plese*, 134 Wash. 443, 235 P. 961 (1925)).

The other side may argue that the Department understood the oral orders in these cases, but that is unique to this case and immaterial to the legal question. The Department is a sophisticated party with counsel. The remedial contempt statutes must be construed for application to unrepresented parties or to third parties who are strangers to a case and possibly absent from courtroom proceedings. Thus, the requirements for motions, hearings, and findings, combined with the need for fairness to parties, show that coercive contempt should not begin until there is a written

order that provides meaningful notice of what must be done and what will purge the contempt. *See, e.g., Burlingame v. Consol. Mines & Smelting Co.*, 106 Wn.2d 328, 722 P.2d 67 (1986) (procedural due process rights are required for remedial contempt).

Second, a written order is needed because coercive contempt is subject to discretionary appeal or appeals of right. Appellate review requires written findings, detailed orders, and purge conditions from the lower court. *See Templeton v. Hurtado*, 92 Wn. App. 847, 852, 965 P.2d 1131 (1998) (“It has long been the rule that a trial court must make findings of fact setting forth the basis for its judgment of contempt in order to facilitate appellate review[.]”); *see also State ex rel. Dunn*, 134 Wash. at 449 (“findings are necessary in the ordinary case” and they are “more useful and necessary in a case” involving contempt sanctions); *State v. Hobble*, 126 Wn.2d 283, 295, 892 P.2d 85 (1995) (discussing difficulty of reviewing contempt order with insufficient findings). Under the Court of Appeals’ ruling in this case, a person facing a verbal ruling of coercive contempt faces legal limbo. The person may be subject to fines up to \$2,000 per day or even imprisonment. RCW 7.21.030(2)(b), (c). But the person faces the near-impossible task of appealing verbal rulings that remain subject to revision by written orders. If a person is subject to coercive contempt, whether by imprisonment or daily

finer, the person's right of appeal should not be held hostage until the order is reduced to writing.

Third, the need for a written order for coercive contempt is similar to the court's rule requiring written injunctions. A contempt sanction alters the status quo, affecting the rights of a person. This makes a coercive sanction analogous to preliminary injunctions, where written findings and orders are required. *See* CR 65(d). For the reasons that animate that rule, coercive contempt should also require written orders.

Fourth, requiring written orders encourages fairer, orderly appeals. RAP 5.2(a) provides that notice of appeal deadlines are counted from "entry of the decision of the trial court." Under the Court of Appeals ruling, a party may resort to multiple appeals, first from oral rulings and later from written rulings. Delaying and confusing a party's right of appeal serves no purpose. It is particularly unfair when a trial court has exercised contempt powers, where it potentially acts as both accuser and adjudicator.

Fifth, this Court has previously stated that when a "trial court had issued an order finding the appellants in contempt of court for failing to respond to" a prior order, but where no "written judgment of contempt was ever issued," then "the judgment of contempt did not become operative." *State ex rel. Wallen v. Judges Noe, Towne, Johnson*, 78 Wn.2d 484, 488-89, 475 P.2d 787 (1970). While this was a dicta statement, it recognized

that the effectiveness of contempt orders is best analogized to cases requiring that a judgment be in writing to take effect.

The Court of Appeals responded to the State's concerns by suggesting that contemnors can propose written orders. But that does not necessarily solve these fundamental problems. A trial court may decline to enter a proposed written order or delay entry. Opposing counsel may decline to waive notice of presentation or delay entry of a written order. *See* CR 54(e), (f). Thus, putting the burden on the contemnor to obtain a written order harms the appellate rights of the contemnor, if they remain subject to contempt sanctions based on potentially vague oral rulings. *See In re Estates of Smaldino*, 151 Wn. App. 356, 363, 212 P.3d 579 (2009) (contempt orders appealable as of right).

Meanwhile, the Department's approach creates no conflict with cases holding that many types of oral orders are enforceable. *Cf. Stella Sales, Inc. v. Johnson*, 97 Wn. App. 11, 22, 985 P.2d 391 (1999) ("A litigant should not be allowed to gain advantage by defying an oral order before the court enters the written order."). Violation of oral rulings can still be sanctioned as appropriate using punitive contempt, written coercive contempt, or summary contempt under RCW 7.21.050. However, the fact that violation of an oral ruling can be the basis for these different types of

contempt simply begs the question of whether the coercive contempt sanction orders must be in writing to take effect.

For all the above reasons, this Court should hold that coercive contempt orders take effect only after being put in writing. That interpretation of the remedial contempt statute corresponds with the express requirement for summary contempt, and imposes no burden on lower courts or parties seeking contempt. In turn, it ensures fair notice and opportunity to comply for the party subject to the contempt order, as well as providing for meaningful appellate review.

V. CONCLUSION

The Court of Appeals erred when it authorized imposition of post-judgment interest and when it upheld coercive contempt orders that imposed sanctions starting from an oral ruling rather than entry of a written order. The matter should be remanded to limit the remedial contempt sanctions accordingly.

RESPECTFULLY SUBMITTED this 2nd day of July 2018.

ROBERT W. FERGUSON

Attorney General

s/ Jay D. Geck

JAY D. GECK, WSBA 17916

Deputy Solicitor General

GREGORY K. ZISER, WSBA 43103

Assistant Attorney General

Office ID 91087

PO Box 40100

Olympia, WA 98504-0100

360-753-6200

jayg@atg.wa.gov

CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I have caused a true and correct copy of the Supplemental Brief of the Department of Social and Health Services to be served on the following via the Court's electronic filing system and by electronic mail upon the following:

Eric J. Nielsen
Jennifer J. Sweigert
Nielsen Broman & Koch PLLC
1908 E Madison Street
Seattle, WA 98122-2842
nielsene@nwattomey.net
SweigertJ@nwattorney.net

Andrea L. Utigard-Borg
Spokane County Prosecutor's Office
1100 W Mallon Avenue
Spokane, WA 99260-0270
autigard@spokanecounty.org

DATED this 2nd day of July 2018 at Olympia, Washington.

s/ Kristin D. Jensen
KRISTIN D. JENSEN
Executive Assistant

Contempt Sanctions Judgments

Criminal Proceeding	Appellate Cause Number	Clerk's Papers: DSHS Briefing Opposing Contempt	Clerk's Papers: Contempt Order and Judgment	Date of Contempt Hearing	Date of Contempt Sanctions Order	Sanctions Period	Total Days of Sanctions Before Written Order	Total Days Sanctioned	Sanctions Imposed*	Total Sanctions
Alexander, Derrick	34132-1	59-69	83-88	5/22/2015	7/24/2015	4/20/15 - 6/1/15	43	43	\$8,600	\$8,600
Anderson, Jennifer	34139-9	107-117	131-136	10/23/2015	11/2/2015	9/7/15 - 12/10/15	56	95	\$11,200	\$19,000
Beggs, Jonathan	34143-7	215-225	239-244	12/9/2015	12/29/2015	11/19/15 - 1/3/16	40	46	\$8,000	\$9,200
Blake, Valerie	34125-9	271-282	296-301	1/16/2015	1/26/2015	1/2/15 - 2/4/15	24	34	\$4,800	\$6,800
Cooper, Benjamin F.	34124-1	313-325	341-348	12/12/2014	1/16/2015	11/21/14 - 1/13/15	54	54	\$10,800	\$10,800
Fairfield, Jason (1)	34127-5	373-384	413-422	3/6/2015	3/19/2015	2/27/15 - 4/1/15	20	34	\$4,000	\$6,800
Fairfield, Jason (2)	34127-5	385-395	399-409	5/22/2015	7/24/2015	4/15/2015 - 5/31/15	47	47	\$9,400	\$9,400
Fleming, Audra D.	34133-0	436-446	460-465	5/22/2015	11/6/2015	4/17/15 - 6/2/15	47	47	\$9,400	\$9,400
Fletcher, Anthony	34134-8	531-541	555-560	5/22/2015	8/12/2015	5/5/15 - 7/5/15	62	62	\$12,400	\$12,400
Fregoso, Jesus	34142-9	561-571	609-614	11/6/2015	12/29/2015	10/22/15 - 1/3/16	68	74	\$13,600	\$14,800
Graham, Amy	34140-2	725-735*	653-658	10/23/2015	11/2/2015	8/19/15 - 11/09/15	75	83	\$15,000	\$16,600
Johnston, Joseph	34123-2	671-683	699-706	12/12/2014	1/16/2015	12/2/14 - 3/5/15	45	94	\$9,000	\$18,800
Keranen, Alexandra	34141-1	725-735	749-754	10/23/2015	11/2/2015	9/25/15 - 12/13/15	38	80	\$7,600	\$16,000
Larson, Bryce	34121-6	765-777	793-800	12/12/2014	1/16/2015	12/3/14 - 1/14/15	43	43	\$8,600	\$8,600
Lennartz, Patrick	34130-5	858-868	882-887	5/22/2015	7/31/2015	4/28/15 - 7/12/15	76	76	\$15,200	\$15,200
Lopez, Eduardo	34205-1	09-020	24-27	12/11/2015	2/12/2016	9/25/15 - 12/20/15	87	87	\$17,400	\$17,400
Mccarthy, Matthew	34131-3	1503-1513*	944-949	5/22/2015	7/24/2015	5/7/15 - 7/19/15	74	74	\$14,800	\$14,800
Montoya, Jesse	34136-4	1012-1022	1036-1041	6/26/2015	7/24/2015	5/21/15 - 7/19/15	60	60	\$12,000	\$12,000
Owen, Christopher	34122-4	1054-1066	1082-1089	12/12/2014	1/16/2015	12/2/14 - 12/22/14	21	21	\$4,200	\$4,200
Pal, William	34126-7	1117-1128	1142-1147	1/16/2015	1/26/2015	12/18/14 - 1/21/15	35	35	\$7,000	\$7,000
Rettinger, Shawn	34138-1	1210-1220	1234-1239	6/26/2015	7/24/2015	5/29/15 - 7/19/15	52	52	\$10,400	\$10,400
Sackmann, Hailey	34137-2	1299-1309	1323-1328	6/26/2015	7/24/2015	4/24/15 - 6/28/15	66	66	\$13,200	\$13,200
Sandstrom, Christian	34180-1	1412-1422	1430-1433	12/9/2015	12/29/2015	12/4/15 - 1/24/16	25	52	\$5,000	\$10,400
Schilling, Loran Scott	34135-6	1503-1513	1527-1532	5/22/2015	10/16/2015	5/2/15 - 6/25/15	52	52	\$10,400	\$10,400
Sims, Anthony J.	34120-8	1544-1556	1572-1579	12/12/2014	1/16/2015	12/2/14 - 12/14/14	13	13	\$2,600	\$2,600
Spain, Daniel	34129-1	1604-1615	1628-1632	2/27/2015	3/6/2015	2/19/15 - 7/15/15	15	147	\$3,000	\$29,400
Tall, Sidappa (1)	34128-3	1657-1668	1759-1763	3/6/2015	3/19/2015	3/2/15 - 4/8/15	17	38	\$3,400	\$7,600
Tall, Sidappa (2)	34128-3	1730 1740	1764-1769	5/22/2015	7/24/2015	4/27/15 - 7/12/15	77	77	\$15,400	\$15,400
TOTALS									\$266,400	\$337,200

* This citation refers to a brief opposing contempt filed by DSHS in a concurrently-heard contempt proceeding, demonstrating that the issue of punitive contempt was before the court in each proceeding.

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Comments:

Supplemental Brief of the Department of Social and Health Services

Sender Name: Kristin Jensen - Email: kristinj@atg.wa.gov

Filing on Behalf of: Jay Douglas Geck - Email: jayg@atg.wa.gov (Alternate Email: JayG@atg.wa.gov)

Address:
PO Box 40100
1125 Washington St SE
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