MEDIA GUIDE

WASHINGTON COURTS

About this guide

This handbook is published to help journalists better understand Washington courts and the justice system. It is designed to provide an overview of the court system at all levels, as well as easily referenced information concerning court procedures, trials, appeals, ethics, access to records, a glossary of legal terms and a resource list.

This handbook does not provide legal advice. When issues arise that require legal advice, reporters and others should consult with the appropriate legal practitioners. The content of this guide is for information only, not warranted as correct and is not a substitute for consultation with legal counsel.

This media guide is provided by the Board for Judicial Administration's Public Trust and Confidence Committee. We appreciate the help of the New Jersey Press Association in compiling information for the guide.

This guide contains practical tips on ways to retrieve public information from the court system. The tips have been provided or approved by experienced journalists and are for information purposes only. They are based solely upon the experiences of reporters and are not intended to substitute for the advice of your editor or your news agency's attorney.

Look for this icon throughout the guide for helpful links to key online resources.

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CHAPTER

1

FRAMEWORK

United States

Constitution

The United States Constitution, often referred to as the supreme law of the land, is the ultimate authority of law in the United States on all matters specified in the Constitution.

Constitutional provisions are applied by both state and federal courts and, if necessary, are also interpreted by those courts. The United States Supreme Court is the final arbiter on what the Constitution means.

A full copy of the Constitution, the Bill of Rights and all other Constitutional amendments, as well as the Declaration of Independence and other critical documents in U.S. history, can be found at www.usconstitution.net.

Court System

Federal judges are nominated by the President and confirmed by a majority of the United States Senate. Federal courts are organized geographically into 13 large circuits — each with a court of appeals — and 94 districts within those. Some states, such as New Jersey, comprise an entire federal judicial district, while larger states, including Washington, can include several judicial districts.

Washington is part of the Ninth Circuit, the largest circuit in the federal system. The Ninth Circuit includes Alaska, Washington, Oregon, Idaho, California, Arizona, Montana, Hawaii, Guam and the Northern Mariana Islands. The Ninth Circuit has 15 judicial districts and 13 bankruptcy courts. Washington state has two federal judicial districts — the Western District of Washington and the Eastern District of Washington. There is a U.S. District Court, a U.S. Bankruptcy Court and a U.S. Probation Office each in Seattle and Spokane. The Ninth Circuit Court of Appeals also has a court in Seattle.

District courts are trial courts that hear civil and criminal cases arising under federal laws, including:

- Cases arising under the Constitution, laws or treaties of the United States.
- Actions between citizens of different states, or citizens of a state and subjects of a foreign state, where the amount in controversy exceeds $100,000 (diversity of citizenship jurisdiction).

- Civil rights cases, election disputes, commerce and antitrust cases, postal matters, Internal Revenue Service and other types of cases enumerated by federal law.

Magistrate judges are appointed by U.S. district judges and hear the federal equivalent of misdemeanor cases — minor crimes committed on federal lands. They also handle preliminary matters in criminal cases, and are usually the first judicial officer a defendant sees following arrest or indictment. Magistrate judges may preside over civil trials if the parties consent. The proper job title is magistrate judge, not magistrate.

Circuit courts of appeal are the intermediate appeals courts between the district courts and the U.S. Supreme Court.

When tracking a state-prosecuted criminal case, keep in mind defendants who believe they have been denied due process by state courts can appeal to the federal courts, under certain circumstances, to overturn a conviction.

Washington

Constitution

The Washington State Constitution, like that of the United States, establishes three equal branches of government — executive, legislative and judicial. Under this system of checks and balances, the Washington Supreme Court has the power of judicial review to determine whether actions by the executive and legislative branches are in accord with the United States and Washington State Constitutions. According to Article I, Section 10 of the state constitution on the administration of justice, "Justice in all cases shall be administered openly, and without unnecessary delay."

Visit leg.wa.gov/LawsAndAgencyRules/Pages/constitution.aspx for a full version of the Washington State Constitution.

Court System

There are four levels of courts in Washington: (1) the Supreme Court; (2) the Court of Appeals; (3) the Superior Courts, and (4) the courts of limited jurisdiction (district and municipal courts).

The Supreme Court is located in Olympia in the Temple of Justice on the state capitol grounds. The three divisions of the Court of Appeals are located in Seattle (Division One), Tacoma (Division Two), and Spokane (Division Three). Each of the state's 39 counties has a Superior Court, though in some cases, multiple small counties comprise one Superior Court district, such as the Benton-Franklin County Superior Court. Each county has a district court with at least one district court facility — larger counties may have multiple district court locations — and many of the state's cities and towns have municipal courts.

Most proceedings are open to the public and visitors are welcome to attend. Some proceedings, such as mental illness commitments and adoptions, are closed to the public.

CHAPTER

2

COURTS

Supreme Court

The Supreme Court is the state's highest court, and consists of a panel of nine justices. Its opinions are published, become the law of the state, and set precedent for subsequent cases decided in Washington.

The state's "court of last resort" is asked to review more than 1,000 cases each year. Most of those come from the Court of Appeals, though cases can be appealed directly from Superior Courts. In the Supreme Court, no witnesses are called or other evidence taken. The Supreme Court hears only legal issues and decides cases based on factual records developed in the trial court.

The Supreme Court is a discretionary court, which means it does not have to accept all cases presented for review. In a case already decided by the Court of Appeals, the Supreme Court will generally grant review only if it involves a question of conflicting appellate court decisions, an important constitutional question, or a question of substantial public importance.

Direct review of Superior Court decisions is granted in limited circumstances, such as when a case involves a state officer (elected official), if a trial court rules that a statute or ordinance is unconstitutional, if conflicting laws are involved, or if the issue is of broad public interest and requires a prompt and ultimate determination, such as a recall petition for an elected official.

The Supreme Court hears oral arguments during three three-month sessions per year — spring, fall and winter — involving approximately 45 cases per session. Responsibility for authoring opinions is distributed equally among the justices. Frequently, justices write opinions that concur with (agree) or dissent (disagree) from the majority opinion.

Supreme Court decisions are posted on the Administrative Office of the Courts' website at www.courts.wa.gov/opinions.

Register to be notified by e-mail whenever opinions are filed at www.courts.wa.gov/notifications.

Petitions for review are heard by a "department" of five justices which decides if a case will be heard by the Supreme Court. A less-than-unanimous vote on a petition requires that the entire court consider the matter. Each case is decided on the basis of the record, plus written and oral arguments. Exhibits are generally not allowed and no live testimony is heard.

The Supreme Court also governs the state court system, adopting court rules that apply to proceedings in the state's courts such as civil and criminal procedure and rules of evidence. Though local courts may adopt their own rules of procedure, these must not conflict with those established by the Supreme Court. In addition, the Supreme Court has administrative responsibility for the operation of the state court system, and supervisory responsibility for certified court interpreters, certified professional guardians, limited practice officers, and certain activities of the Washington State Bar Association, including attorney discipline.

Justices

The nine state Supreme Court justices are elected to six-year terms. Each term is staggered to maintain continuity of the court. The only requirement for the office is that a prospective justice be admitted to the practice of law in Washington state. Vacancies are filled by appointment of the Governor until the next general election.

To view the current Supreme Court Justices and read their bios, visit www.courts.wa.gov. (Click "Courts," "Supreme Court," and then "Justices.")

Court support personnel

Chief Justice
The Chief Justice is the administrative head of the state Supreme Court and of the state court system, acting as the spokesperson for the court as well as presiding over the court when it is in session. The Chief Justice is elected to a four-year term by the other justices.

Bailiff
A court-appointed official, the bailiff announces the opening of each session of the court and performs a variety of other duties as required by the court.

Clerk
Appointed by the Supreme Court, the Clerk of the Court maintains the court's records, files and documents, manages caseflow, arranges pro tem (temporary) judges and supplies attorneys with copies of Supreme Court briefs.

Commissioner
The Commissioner, also appointed by the Supreme Court, decides those types of motions that are not required to be decided by the justices. Called rulings, these decisions are subject to review by the court. The commissioner and other attorneys on the central staff assist in screening cases to determine which should be accepted for full hearing.

Court Administrator
The Washington State Court Administrator is appointed by the Supreme Court to administer the policies and monitor operations of Washington's judicial system. The court administrator, along with the assistance of a support agency, the Administrative Office of the Courts (AOC), provides the following support: (See Court Administration, page 22 for more information)

- Develops operational budgets.
- Evaluates information on judicial system functioning.
- Maintains the large and complex Judicial Information System (JIS) computer network that serves the court system.
- Oversees strategies for maintaining and improving the justice system.
- Provides continuing education for judges.
- Compiles statewide court statistics annually.
- Maintains a statewide electronic court record database.

- Provides information to the judicial community, other branches of government and the general public.

Reporter of Decisions
Appointed by the Supreme Court, the Reporter of Decisions is responsible for preparing Supreme Court and Court of Appeals decisions for publication.

Law Clerk
Law clerks primarily provide research and writing assistance to the justices.

Law Librarian
The State Law Librarian is appointed by the Supreme Court to maintain a complete, up-to-date law library.

Reporters and cameras are welcome during oral arguments at the Supreme Court, generally on a first-come, first-served basis. Photographers are requested to remain unobtrusive and to restrict use of noisy camera mechanisms. TVW tapes all oral arguments; for satellite link-up information, call (360) 586-5555. Only one broadcast camera, in addition to TVW cameras, is allowed in the Supreme Court during arguments. That broadcaster must agree to serve as a pool camera for other broadcast stations if they request footage.

Court of Appeals

Most cases appealed from Superior Courts go directly to the Court of Appeals (COA). It is a non-discretionary appellate court, which means it must accept all appeals filed with it. The court can also consider original personal restraint petitions. The Court of Appeals has authority to reverse (overrule), remand (send back to the lower court), modify, or affirm the decision of the lower court. The court decides each case after reviewing the transcript of the record in the Superior Court and considering the arguments of the parties. Generally, the court hears oral arguments in each case but does not take live testimony.

The Court of Appeals is divided into three divisions, each serving a specific geographic area of the state. Within each Court of Appeals division are districts, similar to legislative districts, and voters elect COA judges who serve their district.

Division I

Ten judges, based in Seattle

- District 1: King County (seven judges)
- District 2: Snohomish County (two judges)
- District 3: Island, San Juan, Skagit and Whatcom counties (one judge)

Division II

Seven judges, based in Tacoma

- District 1: Pierce County (three judges)
- District 2: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston counties (two judges)
- District 3: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum counties (two judges)

Division III

Five judges, based in Spokane

- District 1: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties (two judges)
- District 2: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman counties (one judge)
- District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima counties (two judges)

Court of Appeals judges are elected to staggered, six-year terms. To qualify for a position on the Court of Appeals, a person must have lived

for a year or more in the district being served. Vacancies are filled by the governor and the appointee serves until the next general election.

For a current list of the Court of Appeals judges, visit www.courts.wa.gov, click Court Directory and then Court of Appeals.

The following websites provide a good overview of the law and justice systems both in Washington and the United States:

- www.courts.wa.gov
  View online publications including court directories, caseload statistics, and court opinions. Maintained by the Administrative Office of the Courts.
- www.lawforwa.org
  User-friendly access to information on law and the courts. Sponsored by the University of Washington, the Council on Public Legal Education, the WSBA, and Seattle University School of Law.
- www.wsba.org
  Washington State Bar Association
- www.uscourts.gov
  Online media guide to the federal court system by the Administrative Office of U.S. Courts. Click on the Statistics & Reports tab and Publications. Click on Journalist's Guide to the Federal Court.

Superior Courts

Because there is no limit on the types of civil and criminal cases heard, Superior Courts are called "general jurisdiction courts." Superior Courts also have authority to hear cases appealed from courts of limited jurisdiction. Each court has a presiding judge who, with the help of an administrator or manager, oversees operations and serves as the court's spokesperson. Most Superior Court proceedings are recorded so a written record is available if a case is appealed. Some Superior Courts use video or audio recordings instead of the customary written transcripts prepared by court reporters.

For a current list of Superior Court judges, visit www.courts.wa.gov and click Court Directory. You can choose to search by county or by city.

Districts

All superior courts are grouped into single or multi-county districts. There are 32 such districts in Washington state. Counties with large populations usually comprise one district, while in less-populated areas, a district may consist of two or more counties. A superior court building is located in each of Washington's 39 counties. In rural districts, judges rotate between their counties as needed. Each county courthouse has its own courtroom and staff.

Judges

Superior court judges are elected to four-year terms. Vacancies between elections are filled by appointment of the Governor, and the newly-appointed judge serves until the next general election. To qualify for the position, a person must be an attorney admitted to practice in Washington. There is a presiding judge in each county or judicial district who handles administrative functions and acts as a spokesperson for the court.

Court support personnel

Bailiff

Responsibilities of a court bailiff vary depending upon the needs of the judge. The bailiff's primary duties are to call the court to order, maintain order in the courtroom, and attend to the needs of jurors. In some counties, bailiffs with legal training serve as legal assistants to the judge.

County Clerk

The county clerk is an elected official in most counties who oversees all record keeping matters pertaining to the courts, including receipting fees, fines and court-ordered moneys and disbursement of funds. Among other things, the county clerk may be responsible for notification of jurors, maintenance of all papers and exhibits filed in cases before the court, and preparation of minutes of court procedures. In addition to supporting the superior court system, the county clerk provides public access to court records and assists the public with information and forms. A few counties, such as King, have appointed county clerks.

The go-to source for most court reporting will be the county clerk's office (sometimes referred to as the "court clerk's office"), which maintains all calendar and docket information as cases proceed. This includes information on date of the next hearing, type of hearing, what has already been filed, as well as case files and histories for all criminal and civil cases processed at that court. For criminal cases, the prosecutor's office may be your second best source, with information on a defendant's criminal history, possible sentencing ranges if convicted, comments about the case, and so on.

Commissioner
Most courts employ court commissioners to ease the judges' caseloads. Court commissioners are usually attorneys licensed to practice in Washington who work under the direction of a judge or judges and assumes many of the powers and duties of a superior court judge. Matters heard by commissioners include probate, uncontested marriage dissolutions, the signing of court orders for uncontested matters, and so on.

Court Administrator
Generally, the court administrator is responsible for notifying jurors, supervising court staff, assisting the presiding judge in budget planning, assigning cases and implementing general court policies.

Juvenile Court Administrator
The juvenile court administrator directs the juvenile court probation program and provides general administrative support. Each of the state's 33 juvenile courts is unique in the range of services it offers, though all offer some type of diagnostic and diversion services.

Court Reporter
Stenographic notes are taken in court by a court reporter as the record of the proceeding. If a case is appealed, these notes are the basis for the verbatim report of the proceedings.

Juvenile court

Juvenile court is a division of the superior court, established by law to deal with youths under the age of 18 who commit offenses (offenders) or who are abused or neglected (dependents). Like adults, juvenile offenders are sentenced according to a uniform set of guidelines. Taking into account the seriousness of the offenses committed and the history of the subject's prior offenses, the guidelines establish a range of sentences, and sentence conditions.

A juvenile sentence or disposition outside the standard sentencing range is possible if the court finds the standard disposition would amount to a "manifest injustice" to the juvenile or to the community. Dispositions within the standard range are not appealable; manifest injustice dispositions are.

Dependent children are usually placed under the care of the state's Department of Social and Health Services (DSHS). Courts frequently place such children outside the home for varying periods of time because of abuse and/or neglect.

Therapeutic courts

Some counties have established therapeutic courts with expertise in certain types of offenses or offenders. In therapeutic courts, the judges, prosecutors, defense attorneys and other participants, such as counselors and social workers, receive specialized training on working with certain types of offenders. For example, many superior courts now have drug courts with judges, attorneys and counselors receiving training on working with offenders on substance abuse problems and addiction recovery. Other therapeutic courts include mental health courts, domestic violence courts and homeless courts. Studies have shown that certain categories of offenders have a higher likelihood of re-offending if their underlying issues — such as addiction or mental illness — are not addressed. The purpose of therapeutic courts is to reduce recidivism by addressing the factors that make offenders more likely to re-offend.

For a directory of therapeutic courts in Washington, visit www.courts.wa.gov/court_dir/?fa=court_dir.psc.

Courts of limited jurisdiction

Courts of limited jurisdiction include district and municipal courts. District courts are county courts. Municipal courts are those created by cities and towns. More than 2 million cases are filed annually in district and municipal courts. Excluding parking infractions, seven out of every eight cases filed in all state courts are at this level. This is due primarily to the broad jurisdiction these courts have over traffic infractions and misdemeanors.

For a current list of your county's district judges or your city's municipal judge(s) visit www.courts.wa.gov/court_dir and search by county or city.

District courts

District courts have jurisdiction over both criminal and civil cases. They have criminal jurisdiction over misdemeanors, gross misdemeanors, and criminal traffic cases. These include driving under the influence of intoxicants (DUI), hit-and-run, and driving with a suspended driver's license. Preliminary hearings for felony cases are also within the jurisdiction of these courts. Persons convicted of misdemeanors may be fined up to $1,000, sentenced to up to 90 days in jail, or both. Persons convicted of gross misdemeanors may be fined up to $5,000 and sentenced to up to 364 days in jail, or both. DUI offenses carry additional penalties.

Jurisdiction in civil cases includes those with damages up to $100,000 for injury to individuals or personal property, as well as penalty and contract disputes up to $100,000. District courts also have jurisdiction over traffic and non-traffic infractions. A non-traffic infraction is a civil proceeding for which a monetary penalty—but no jail sentence—may be imposed.

District courts may also issue domestic violence and anti-harassment protection orders and no-contact orders. They have jurisdiction to hear name change petitions and certain lien foreclosures. Small claims are limited to money claims of up to $5,000 in which each party is generally self-represented. Attorneys are not permitted except with the permission of the judge. Witnesses may not be subpoenaed.

Examples of civil cases heard include neighborhood disputes, consumer problems, landlord/tenant matters and small collections.

Municipal courts

Violations of municipal or city ordinances are tried in municipal courts and traffic violation bureaus. The violation must have occurred within city boundaries. Like district courts, municipal courts have jurisdiction over gross misdemeanors, misdemeanors and infractions. Municipal courts can also issue domestic violence protection orders and no-contact orders. Municipal courts can issue anti-harassment protection orders if they adopt a local court rule establishing the process. As in district courts, a municipal judge may impose fines up to $1,000 or $5,000, and sentences up to 90 days or a year in jail, or both.

Traffic Violation Bureaus

A traffic violation bureau or "TVB" can be set up under a district or municipal court to handle traffic violations that involve no possible incarceration. The primary purpose is to expedite handling of cases that do not require judicial involvement. The TVB is under the supervision of the municipal court, which designates those traffic law violations that a TVB may process.

Judges

District court judges are elected to four-year terms. Municipal court judges may be elected or appointed by city officials, depending on the ordinance under which the court was established. Cities with more than 400,000 people are required by law to elect their judges.

Court support personnel

Courts of limited jurisdiction are served by an administrator and support staff, and are also under the direction of the court's presiding judge.

Documents filed with the county clerk's office for a particular case become part of that case's file and are almost always public record (with a few rare exceptions). However, there can be a processing lag between the time the documents are filed and when they become part of the open public record. If time is of the essence, a reporter can often get documents more quickly straight from the attorneys in a case (see Accessing Court Records, page 48, for laws and court rules pertaining to access to courts and court records).

Tribal courts

There are 29 federally recognized Indian tribes located in Washington. Each tribe is a sovereign entity with a governing body that is responsible for the administration of justice, promulgation of laws and law enforcement for the tribe. Indian tribes are defined by 25 U.S.C. § 1301, as any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government including executive, legislative and judicial functions.

As of early 2007, 25 of the 29 tribes in Washington had established tribal court systems. Tribal judges are generally appointed to serve a specific term, although some tribes elect tribal judges. Although most tribal judges are attorneys, some tribes allow for non-lawyers to serve as judges. Not all tribes require tribal judges to be members of the tribe, although there is a preference to have tribal members or Native Americans from other tribes serve as judges.

In 2013, the U.S. Congress approved changes to the Violence Against Women Act granting tribal courts jurisdiction over non-Indians who commit acts of domestic violence on tribal lands.

Appeals from tribal trial courts are brought before each tribe's own appellate court. Appellate panels might be made up of appointed appellate judges, or tribal judges from other tribes, or in some cases tribes may appoint attorneys familiar with Indian law to serve as appellate judges.

For criminal matters, most tribes employ both prosecutors and public defenders, although smaller court systems may have neither because of insufficient funding. Legal representation may be provided by attorneys licensed in Washington, or persons familiar with the laws, customs and traditions of the tribe.

Tribal courts use court procedures similar to those found in state and federal courts. Tribal courts have limitations on their authority over certain acts and persons based on United States Supreme Court decisions and by federal law. Tribal courts handle a variety of cases ranging from civil infractions, domestic relations, natural resource violations, dependency and juvenile delinquency actions, criminal, and general civil litigation. Few tribes have their own jails or juvenile detention facilities. Therefore, many tribes contract to use local county jail facilities, or they contract with other tribes that have jail facilities.

Criminal jurisdiction

Tribal courts are limited over the types of crimes and persons over which they can exercise criminal jurisdiction. There are also limits on sentences that can be imposed upon Native Americans convicted of crimes taking place within reservation boundaries. In 1968 Congress passed the Indian Civil Rights Act (ICRA), which provided for civil rights for all persons who are subject to the jurisdiction of tribal governments. The ICRA also placed limits on the maximum penalties that tribal courts could impose for each criminal offense. The maximum penalty for any one offense is limited to one (1) year in jail, and/or a fine of $5,000.

The Major Crimes Act provides that any Indian committing a felony against the person or property of another Indian or other person shall be subject to the same law and penalties as all other persons within the exclusive jurisdiction of the United States. These crimes may be investigated by the FBI and referred to the U.S. Attorney's Office for prosecution in federal district court. Tribes may prosecute cases when the U.S. Attorney declines to prosecute, with the penalty limitations imposed by the ICRA.

Tribes do not have general criminal jurisdiction over non-Native Americans. However, tribal police have been held to have authority to stop and detain non-Native American law violators within the boundaries of reservations until state authorities arrive. Tribes have a unique remedy they may exercise against non-members of the tribe known as exclusion. This remedy, often guaranteed by treaty, permits tribes to exclude unwanted persons from their reservations. The power of exclusion might be viewed as quasi-criminal, and can be exercised against non-Indians

Full faith and credit for tribal orders

Washington State Superior Court Civil Rule 82.5 addresses the jurisdiction and authority of tribal courts, ensuring that superior courts "shall recognize, implement and enforce the orders, judgments and decrees of Indian tribal courts" in matters under the jurisdiction of federally recognized tribes. In 2007, Washington became the second state in the nation to devote a portion of the state bar exam to issues of federal Indian jurisdiction and Indian law. In 2008, RCW 10.92.020 gave tribal police officers the power to act as general authority peace officers in the state of Washington, with the powers to make arrests for violation of state laws. A list of tribal courts, tribal judges and contact information is available in the Washington State Court.

For a list of tribal courts, tribal judges, contact information and court rules, visit www.courts.wa.gov. Click Court Directory and Tribal Courts.

Court administration

The state constitution designates the Chief Justice of the state Supreme Court as the administrative head of all the courts. The Supreme Court appoints a state Court Administrator to deal with the day-to-day administration of the court system. The administrator and the administrator's staff are known as the Administrative Office of the Courts (AOC).

The AOC was established by the 1957 Legislature and operates under the direction and supervision of the Chief Justice. The agency supports the court system by operating the statewide court computer system (known as the Judicial Information System, or JIS), providing education and training for judicial officers and court personnel, providing information and support for court administrators and managers, and overseeing collaborative efforts to study justice issues and improve the delivery of justice. The AOC houses such committees and commissions as the Ethics Advisory Committee, the Gender and Justice Commission, the Minority and Justice Commission, and numerous task forces dedicated to specific areas of the justice system.

Other organizations that provide oversight of court or judicial issues include the Board for Judicial Administration, the Court Management Council, the Superior Court Judges' Association and the District and Municipal Court Judges' Association.

Independent of the AOC and other judicial branch agencies is the Commission on Judicial Conduct, which investigates complaints against judges. (See Professional conduct and discipline, page 39, for more information.)

Court rules

The court system is governed through a system of rules known as Washington Rules of Court, or "Court Rules." These are similar to the Washington Administrative Code (WAC) that governs state agencies. For instance, the Commission on Judicial Conduct adopts its rules via the WAC. Court rules are adopted by the Supreme Court. Generally, the rules are organized by the subject matter or the level of court to which the rules apply. For instance, "General Rules" apply to all courts and are adopted by the state Supreme Court. An example is "GR 16 — Courtroom Photography and Recording by the News Media," which governs the use of cameras and video recording in courtrooms across Washington. "Local Rules" are adopted by the judicial officers governing a local court, and cannot conflict with a statewide rule which was adopted by the Supreme Court (similar to the way a city ordinance cannot conflict with a state law). (See Court rules and RCWs, page 51, for court rules and laws pertaining to access to court proceedings and records.)

For a full list of Washington Court Rules, visit www.courts.wa.gov/court_rules.

CHAPTER

3

CASES

Criminal cases

Criminal cases are brought by the government against individuals or corporations accused of committing a crime. The government makes the charge because a crime is considered an act against the community. The prosecuting attorney prosecutes the charge against the accused person (defendant) on behalf of the government. The prosecution must prove to the judge or jury that the defendant is guilty beyond a reasonable doubt.

The more serious crimes are called felonies and are punishable by more than one year's confinement in a state prison. Examples are arson, robbery, burglary, murder, rape and thefts over $250 in value.

Lesser crimes are called misdemeanors and gross misdemeanors. Both are punishable by confinement in a city or county jail. Examples of gross misdemeanors are theft of property or services valued at up to $750, driving while under the influence (DUI) of alcohol or drugs, disorderly conduct, prostitution, and possession of less than 40 grams of marijuana.

You can gather information on a person's criminal history in several ways — through the prosecutor's office if the person is being charged; through the county clerk's office (for that county only); by contacting the Washington State Patrol, which maintains a criminal history database of all convictions in the state as well as a database of all sex offenders; and by joining the JIS-Link system through the Administrative Office of the Courts. The JIS-Link system allows you access to public information in the Judicial Information System's (JIS) statewide computer. It requires a membership fee, a certain level of computer facilities, and there are small charges for each access to the system. For more information, visit www.courts.wa.gov/jislink.

Civil cases

Civil cases are usually disputes between private citizens, corporations, governmental bodies, or other organizations. Examples include actions arising from landlord and tenant disputes, personal injuries, breach of warranty on consumer goods, contract disputes, adoptions, marriage dissolutions (divorce), probate, guardianships, and professional liability suits.

Verdicts are usually based on a preponderance of the evidence. The party suing (plaintiff or petitioner) must prove his or her case by presenting evidence that is more persuasive to the trier of fact (judge or jury) than the opposing evidence presented by the defendant or respondent. In some specialized types of civil cases, such as involuntary commitment of persons alleged to be mentally ill, the standard of proof is that of clear and convincing evidence, rather than a preponderance of the evidence.

In civil cases, people rarely go to jail or prison. An exception can be a contempt of court finding. In the vast majority of civil cases, however, relief is sought in the form of monetary damages, determination of a property title, determination of a statute's constitutionality, and so on.

There are special court procedures to protect citizens threatened by harassment and domestic violence. Protection orders may be obtained by contacting the local district or municipal court or the county clerk.

For online forms to request a protection order, visit the AOC website, www.courts.wa.gov/forms.

CHAPTER

4

TRIALS

Pre-trial process

Civil trial

An action or lawsuit begins with the filing of a complaint in superior or district court. A case number is assigned to the case and sometimes a specific judge is pre-assigned. The complaint contains a statement of the facts on which the claim is based and a demand for relief. An injunction or temporary restraining order (for instance, to keep a building from being torn down while parties litigate the matter) would request immediate relief and be heard more expeditiously, often within a day or two.

A summons is served on the defendant or the party being sued, and that person must file a response or an "answer" within a specified number of days. The answer should state a response to each claim, and each claim must be admitted or denied. The person being sued can also file a counterclaim against the plaintiff, and multiple defendants can file cross claims against each other. A demand for a jury trial along with the appropriate payment ($250 for a 12-person jury and $125 for a six-person jury) must be filed to get a jury trial assignment. Otherwise, the case will be set for trial before the judge.

Each court may have unique rules on how a trial can be set, so consulting the local court rules is recommended. Many local court rules are now online at the counties' websites and on the AOC website. The civil case then moves to pre-trial discovery, in which both parties obtain information from each other through depositions, interrogatories, inspection of property, mental or physical examinations, etc.

Motions may be made prior to trial. For instance, a party can make a motion for summary judgment asking for a determination on a matter of law by the court. The parties may also enter into an out-of-court settlement before proceeding to trial. Some courts have mandatory arbitration proceedings. Once a decision has been rendered, it is filed with the court. The parties have the ability to file an appeal within 30 days. If there is a monetary judgment awarded as part of the disposition, the court clerk will set up a judgment that will put a lien on any real property of the party that owes the money. That judgment is good for 10 years and can be extended for an additional 10 years on motion of the judgment creditor. Writs of garnishment or execution can be issued against the judgment debtor for the judgment creditor to receive the judgment due.

Most civil court proceedings are open to reporters, including most juvenile and family law cases. Some civil hearings closed to media and the public include mental illness commitments, adoptions and paternity hearings.

Criminal trial

After an arrest, a person may be booked into jail depending on the offense. If the person is not booked into jail, he or she will be given a date to appear in court. Charges can also be filed through a citation or a prosecutor's complaint in courts of limited jurisdiction, or through a document called an "information" in superior court.

A preliminary appearance in court will determine if there is probable cause to hold a person, and if in custody, to determine bail and release conditions. The next step is an arraignment to advise the defendant of the charges, appoint a public defender if the defendant is indigent, and take an initial plea — which is almost always 'not guilty' at this point. (Reporters should be aware that the initial plea is nearly always a procedural step this early in the process, allowing the case to move forward, because the defense and the prosecution have not had time to build their cases.) Next is a pre-trial hearing (in courts of limited jurisdiction) or an omnibus hearing (in superior court) to consider any motions to suppress evidence or other pre-trial issues. A plea hearing is held if a defendant wants to plead guilty; otherwise, the case moves to trial.

A note on plea agreements: A plea agreement (or "plea bargain") is a written contract between the prosecution, the defendant, and defense counsel whereby the defendant agrees to plead guilty in exchange for a recommended sentence, or the dismissal or reduction of certain charges. The prosecution and defense negotiate plea agreements to limit the uncertainties inherent in adversary proceedings. State law prohibits the court from participating in plea agreement discussions.

The nature of the plea agreement and the reasons for the agreement must be made a part of the record at the time the guilty plea is entered. The sentencing judge is not bound by any recommendations contained in

a plea agreement, and the defendant must be so informed at the time of the plea. A superior court judge may reject the plea agreement if the court determines that the agreement is not consistent with the interests of justice and with the prosecuting standards. The court must, on the record, inform the defendant and the prosecutor that the judge is not bound by any recommendations contained in the plea agreement and that the defendant may withdraw the plea of guilty, and enter a plea of not guilty.

Initial bail hearings following an arrest are potentially good stories. Often the prosecutor will cite an individual's criminal history to the judge as grounds for a particular bail. Sometimes the suspect, who has just been arrested, has an attorney who can speak to reporters. Also, the courtroom is open to the public and friends and family of the victim(s) can attend. Some are willing to share their feelings.

Trial process

Whether the case is civil or criminal, or tried by a judge or jury in a superior, district, or municipal court, the procedure is essentially the same. There may be some differences from court to court, however.

Jury selection

Jurors are randomly selected from voter registration lists, and lists of those who are valid drivers license or "identicard" holders. In superior courts, 12 persons are seated on a jury. In district and municipal courts, the jury consists of six people.

In district, municipal, and superior courts, jury selection is handled in the same manner. Selection, or voir dire, consists of questions asked of juror candidates by the judge and attorneys to determine if they have any biases that would prevent them from hearing the case. Questions can be general (directed at the whole panel) or specific (directed at specific candidates). If an answer indicates a prospective juror may not be qualified, that individual may be challenged for cause by a party, through his or her attorney. The judge decides whether the individual should be disqualified.

After questions have been asked, peremptory challenges — those for which no reason need be given — may be exercised by an attorney and the prospective juror will be excused. Just how many challenges may be exercised depends on the type of case being tried. How they are exercised (orally or in writing) depends upon local procedure. After all the challenges have been completed, the judge will announce which persons have been chosen to serve on the case. Those not chosen are excused.

After the judge or clerk administers the oath to the jurors, the case begins. Because the prosecutor or plaintiff always has the burden of proof, his or her attorney makes the first opening statement.

More about juries

Jury cases are either criminal or civil. The "jury pool" consists of individuals who are at least 18 years of age, citizens of the United States, residents of the county and able to communicate in English. Those who have ever been convicted of a felony must have had their civil rights restored by a court to be eligible for jury duty.

How many days and hours a juror serves depends on the jury selection system in his or her county. The judge may vary daily working hours to accommodate witnesses who have special travel or schedule problems. Jurors can generally go home during trials, but in extremely rare cases, may be "sequestered" during the trial or deliberations so they don't hear or see something about the case that wasn't mentioned in court.

Washington law says employers "shall provide an employee with sufficient leave of absence from employment when that employee is summoned" for jury duty. It also says employers "shall not deprive an employee of employment or threaten, coerce or harass an employee or deny an employee promotional opportunities" for serving as a juror. State law does not require employers to pay employees while they serve.

Grand juries and special inquiry judges

Rarely used in Washington is a provision in the law for calling a grand jury or appointing a special inquiry judge to investigate allegations of criminal activity or corruption. A special inquiry judge would be a superior court judge designated by a majority of the superior court judges of that county. The grand jury or special inquiry judge can issue indictments after reviewing the evidence. The proceedings are subject to secrecy provisions. To learn more about this process, consult RCW 10.27.

At the conclusion of a criminal or civil trial, judges will typically advise jurors that they may decide for themselves whether to speak about their deliberations to anyone connected to the case. Jurors are not specifically barred from speaking to reporters but court staff may be reluctant to provide names of jurors upon the conclusion of a case. A reporter may obtain names of jurors simply by being present during jury selection, its swearing-in, or by requesting the list of jurors from the county clerk's office after the trial. The list will include names only.

Opening statements

An opening statement is an outline of the facts a party expects will be established during the trial. The plaintiff opens first, then the defendant. The defendant can choose to delay making an opening statement until after the plaintiff rests or presents his or her evidence.

Evidence

Evidence includes witness testimony and exhibits presented by each side that are admitted by the judge. The plaintiff's attorney presents evidence by direct examination of witnesses, who are then subject to cross-examination by the defendant's attorney. After the plaintiff concludes or "rests," the defendant's attorney may present witnesses who may be cross-examined by the plaintiff's attorney. After the defendant rests, the plaintiff may present rebuttal evidence. Following that, the evidentiary phase of the trial is over.

Jury instructions

The judge then instructs the jury on the law that applies to that case. Jurors are given one or more written copies of the instructions.

Closing arguments

Following the judge's instructions, attorneys for each party make closing arguments. As with opening statements, the plaintiff goes first. After the defendant presents closing arguments, the plaintiff is allowed time for rebuttal.

Jury deliberations

After closing arguments and jury instructions from the judge, the bailiff or other court-designated person escorts the jury to the jury room to begin deliberations in private. The jury begins its deliberations by electing a foreperson or presiding juror (the term "presiding juror" is becoming increasingly common). While deliberating, jurors are not allowed to have contact with anyone, except as designated by the court. Jurors are provided with copies of instructions and a verdict form.

Crime victims and witnesses

State law "ensure(s) that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that rights extended (to them) are honored and protected...in a manner no less vigorous than the protection afforded criminal defendants." (RCW 7.69.010) The law lists nine rights of crime victims and witnesses, and in some cases, their families. These include the right to be told about the outcome of a case in which they were involved and to be notified in advance if a court proceeding at which they were to appear has been canceled. If threatened with harm, victims and witnesses have the right to protection. While waiting to testify, they must be provided with a waiting area away from the defendant and the defendant's family and friends. Stolen property is to be returned quickly.

The Washington State Bar Association maintains a directory of specialty, minority and county bar associations and law-related organizations that can be extremely helpful in locating experts in certain areas. For instance, attorneys specializing in elder law or immigrant law can be found here, as well as Asian or American Indian bar associations, and much more. The directory can be found at www.wsba.org/Legal-Community/Minority-Bar-Associations.

Criminal sentencing

In Washington, superior court judges make sentencing decisions for felony crimes under a determinate (set) sentencing system adopted by the state Legislature, with sentencing ranges established by law and based on the seriousness of a crime and the offender's criminal history.

Offenders convicted of felonies receive sentences through a uniform set of guidelines which structure, but do not eliminate, a sentencing judge's discretion. The purpose of the system is to assure that those sentenced for similar crimes, and who have comparable criminal backgrounds, receive similar treatment. Under the system, each felony is assigned a seriousness level, and each offender is assigned a "score" based on his or her criminal history. That establishes a sentencing range to guide the judge (a sentencing grid using these criteria can be found in RCW 9.94A.510).

A judge can depart from these guidelines but only if compelling circumstances are alleged by the prosecution and found beyond a reasonable doubt by a jury. Only sentences imposed outside of the guidelines can be appealed. All convictions, adult or juvenile, include mandatory monetary penalties, which are deposited in the state's crime victim compensation fund. A judge may also order the offender to pay fines and to make restitution to victims for damages, loss of property and for actual expenses for treatment of injuries or lost wages. Those convicted of misdemeanors or gross misdemeanors may be given probation and/or time in a local jail. Violating the terms of probation can result in a longer jail term.

For help estimating what sentence a defendant might be facing, contact the prosecutor's office, or the Sentencing Guidelines Commission at www.sgc.wa.gov, or (360) 902-0425. Sentencing is explained in RCW 9.94A, which also explains "earned early release" time and how it is calculated. A sentencing grid is found at RCW 9.94A.510, with a table of crimes to match the grid at RCW 9.94A.515.

Sentencing history and recent laws

Washington's 1981 Sentencing Reform Act (SRA) changed how the superior courts sentence offenders. Prior to the SRA, felony offenders were given sentences of unspecified durations, such as "for a term of 10 to 20 years." A parole board made decisions on releasing prisoners. The SRA abolished parole for crimes committed after July 1, 1984, and created the Sentencing Guidelines Commission to establish prison sentences using mandatory sentencing guidelines. A sentencing grid determines the sentence based on the seriousness of the offender's current offense and the number of prior convictions. The SRA ensures that offenders found guilty of similar crimes and with similar criminal histories will be given similar amounts of incarceration time, absent extraordinary circumstances.

There is no parole for crimes committed after July 1, 1984, but prisoners can earn early release time based on their good behavior during incarceration. "Earned early release" time is very limited for violent offenders, about 10 percent to 15 percent of the total sentence. The Indeterminate Sentencing Review Board (ISRB) was created to oversee parole and community supervision for prisoners whose crimes were committed before July 1, 1984.

In the 1990's, two significant citizen initiatives altered offender sentencing. Initiative 159 or "Hard Time For Armed Crime," and Initiative 593 or "Three Strikes You're Out," reflected public sentiment for longer and more severe sentences for persistent violent offenders. These initiatives significantly increased the amount of time in prison for specific crimes.

In 2002, the state Legislature revised its sentencing guidelines for drug offenses to increase the availability of substance abuse treatment programs, with the goal of reducing the high recidivism rate of drug offenders. Under the new laws, eligible offenders spend less time in prison and the state uses cost savings to fund treatment programs for them.

Appeals

Appeals are handled in the same fashion for civil and criminal cases, though there are some rules applicable only to criminal cases, juvenile cases and death penalty cases.

Cases from courts of limited jurisdiction can be appealed to a superior court on the basis of an electronic tape recording of the original proceeding. There is no evidence admitted or live testimony. The decision is made solely from the written record made in district court. Appeals heard "de novo" (or anew) in superior court are limited to those cases tried originally by a non-attorney judge.

Appeals from small claim cases are heard de novo in superior court on the evidentiary record established in district court. Superior court cases are generally appealed to the Court of Appeals, but in some cases, appeals can go directly to the Supreme Court, including issues involving elected officials or constitutional questions.

There are two kinds of appellate review of a trial court decision. The first is an appeal (a review as a matter of right; the court must accept the appeal) and the second is the discretionary review (by permission of the court). The notice of appeal or discretionary review is filed with the trial court clerk and must be accompanied by the filing fee unless the appellant qualifies for a fee waiver. These notices generally must be filed within 30 days of the final court decision. After the review is accepted, generally a verbatim report of proceedings will be prepared and clerk's papers will be designated. The attorneys will prepare briefs setting forth the parties' legal and factual arguments. The case may be scheduled for oral argument during which counsel will supplement the arguments outlined in the briefs and respond to questions posed by the appellate judges. The appellate court will generally base its decision on the issues set forth by the parties. There are several forms of decisions: a decision terminating review; an interlocutory (temporary) decision; a ruling (usually by commissioner or clerk); or an opinion authored by an appellate judge or "per curiam" (by the court or panel). A decision by the Court of Appeals may be reviewed by the Supreme Court if the discretionary review is granted by the Court. In some cases, costs and/or attorney fees will be ordered at the conclusion of the appellate proceedings.

Alternatives to trial

Civil disputes do not have to be resolved in an open, public court setting. "Alternative dispute resolution" (ADR) offers a variety of ways to resolve disputes in lieu of a public trial. ADR can be conducted in any manner to which the parties agree — it can be as casual as a discussion around a conference table, or as structured and discreet as a private court trial. The most commonly used techniques are mediation and arbitration.

Mediation

Mediation is a confidential, voluntary, non-binding process that uses a neutral, trained third party to guide parties toward a mutually beneficial resolution of their disagreement. Resolutions are created to suit both parties, and may include an agreement not available via the court system.

Mediation can be effective in all types of civil matters, and may occur before or after the filing of a lawsuit. Although attorneys may be present during the mediation process, they are not essential to the process.

Arbitration

In arbitration, a trained neutral third party is chosen to hear both sides of the case, then resolves it by rendering a specific decision or award. Arbitration is a common way of solving disputes with insurance companies on specific claims. An arbitration proceeding is similar to a regular court trial. The main difference is that arbitration can be either binding or non-binding, as agreed upon in advance by the disputing parties. If binding arbitration has been chosen, the decision or award is final.

In Washington counties with populations of 100,000 or more, the law requires mandatory arbitration of civil disputes in which the sole relief sought is money damages, and the amount at issue is $50,000 or less. In smaller counties, the superior court has discretion whether to use mandatory arbitration.

Juvenile diversion

Juvenile diversion is a program that permits juvenile offenders to be diverted from trial so they are not prosecuted for the charges pending against them. The purpose of diversion is to rehabilitate minor offenders and to intercede where there is a reasonable expectation that removing the individual from the system will deter future criminal acts by that person.

Deferred prosecution

In a court of limited jurisdiction, a person charged with a misdemeanor or gross misdemeanor can petition the court to be considered for a deferred prosecution program. A person requesting deferred prosecution must admit that his or her wrongful conduct was caused by alcoholism, drug addiction or mental problems for which the person is in need of treatment. The only exception is for a misdemeanor charge or gross misdemeanor charge related to the mistreatment of the petitioner's child. That person must admit that his or her wrongful conduct is the result of a

lack of parenting skills for which the person needs treatment. Successful completion of a deferred prosecution program will result in the dismissal of charges.

A person charged with driving under the influence is eligible for a deferred prosecution only one time for that offense.

For larger issues of the law or sensational cases where you need some neutral expert opinions that don't come from prosecutors and defense attorneys, you can often find good analysis from legal scholars at the state's law schools. Begin developing a list of law school professors with expertise in certain areas.

Professional conduct and discipline

The ethical conduct of attorneys and judges is governed by the Rules of Professional Conduct (for attorneys), and the Code of Judicial Conduct (for judges). Part-time judges are subject to both. The Rules of Professional Conduct and Code of Judicial Conduct were adopted by the Washington Supreme Court as court rules.

Attorneys

Rules of Professional Conduct
The Rules of Professional Conduct (RPC) state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action. The RPCs define conduct expectations in client-lawyer relations such as competence, confidentiality, diligence, fees, conflict of interest and more. The Rules also detail expectations for attorneys in the realms of counseling, advocacy, working with third parties, working within law firms and associations, public service, and maintaining the integrity of the profession. A full copy of the Rules of Professional Conduct can be found on the WSBA and AOC websites.

The Washington State Bar Association (WSBA) oversees questions and complaints about attorney conduct by rendering ethics opinions, conducting investigations and hearings, and making recommendations on the discipline of attorneys which can include admonishment, reprimand, suspension or disbarment. The Washington Supreme Court has the power to review any disciplinary action against attorneys.

For more information on rules of professional conduct, visit the Washington State Bar Association's website, www.wsba.org.

WSBA Committees on Conduct

The Rules of Professional Conduct Committee answers questions that arise under the RPC, publishes ethics opinions and advises the Board of Governors on ethical issues.

The Office of Disciplinary Counsel (ODC) investigates grievances against attorneys. Volunteer attorneys — who serve as adjunct investigative counsel — may handle one investigation at a time and file a report with staff disciplinary counsel. Disciplinary counsel then process the results of the investigation. The ODC may also be asked to assist with investigations by reviewing court files or talking to witnesses in their location. ODC members must have been active members of the WSBA for at least seven years with no record of disciplinary misconduct. A hearing on a complaint may be assigned to a hearing officer or panel.

The Character and Fitness Board addresses matters of character and fitness bearing upon qualifications of applicants for admission to practice law in the state of Washington. Upon referral from the executive director, it investigates matters relevant to the admission of any applicant, conducts hearings, makes recommendations to the Board of Governors, and also considers petitions for reinstatement after disbarment.

The WSBA Disciplinary Board takes complaints on attorney conduct and follows the Rules for Enforcement of Lawyer Conduct, adopted by the Washington Supreme Court.

Each WSBA ethics and disciplinary committee includes lay people as well as attorneys. Only the state Supreme Court can disbar or reinstate an attorney. The WSBA disciplinary committees can only recommend those actions.

Judges

Code of Judicial Conduct (CJC)
The Code of Judicial Conduct establishes standards for the ethical conduct of judges. It consists of broad statements called "canons," specific rules set forth in sections under each canon, a terminology section, an application section, and comments. The comments provide explanation and guidance with respect to the purpose and meaning of the canons and sections. The CJC is construed so as not to impinge on the independence of judges, which is essential in making judicial decisions. It is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through disciplinary agencies.

The full text of the Code of Judicial Conduct is available on the Commission on Judicial Conduct website, www.cjc.state.wa.us, or on the AOC website, www.courts.wa.gov.

The Commission on Judicial Conduct
This is an independent judicial branch agency that investigates and acts on complaints of judicial misconduct or disability of judges. Its membership consists of two lawyers, three judges, and six non-lawyer citizens. Allegations of misconduct are reviewed by the Commission to see if the Code of Judicial Conduct was violated or if any permanent disability that seriously interferes with the performance of judicial duties exists. If misconduct is found, the Commission may admonish, reprimand, or censure the judge, or may recommend to the Supreme Court that the judge be suspended or removed. Like a trial, Commission fact-finding hearings are held in public. The Supreme Court has appellate review

of the Commission's decision, or in the case of a recommendation, the Court makes the final decision after reviewing the Commission's record and taking argument on the matter. Contact the Commission on Judicial Conduct at www.cjc.state.wa.us, or 360-753-4585.

Ethics Advisory Committee

The Washington State Ethics Advisory Committee renders ethics opinions by applying the Code of Judicial Conduct to issues that arise in the judiciary. Members are appointed by the Chief Justice of the state Supreme Court and include one member from the Court of Appeals, two members from the superior courts, two members from the courts of limited jurisdiction, one member from the Washington State Bar Association, and the Administrator for the Courts.

The Committee's opinions are public record and are circulated by the Washington State Court Administrator. In addition to rendering ethics opinions, the Committee can submit to the Supreme Court recommendations for necessary or advisable changes in the Code of Judicial Conduct.

All published judicial ethics opinions are available at www.courts.wa.gov/programs_orgs/pos_ethics.

The Code of Judicial Conduct prohibits a judge from discussing the details of a specific case with you. However, judges can be good sources regarding court processes, budgets, security, jury issues and other issues affecting courts and the law. In Washington state, each court has a presiding judge who can serve as the spokesperson for the court. Developing a relationship with that judge can improve your court reporting.

Administrative Law Judges

Not to be confused with judges elected or appointed to the judicial branch of government and working with the state court system, Washington also has administrative law judges (ALJs). Administrative Law Judges are attorneys with knowledge of administrative law who are hired by the state Office of Administrative Hearings (OAH) to adjudicate disputes in which citizens challenge government decisions (such as a disposition on an unemployment claim).

OAH was created in 1982 by RCW 34.12.010 to be independent of other state agencies and to conduct impartial hearings for a wide variety of state and local agencies. Decisions rendered by administrative law judges may be appealed through superior courts. OAH can be reached at (360) 407-2700.

Judicial elections

Washington judges are non-partisan and are elected to their positions, per a Washington State constitutional amendment adopted in 1912. Judges are appointed to the bench only when a sitting judge dies or resigns in the middle of a term; the appointed judge must run for office during the next general election. Cities with less than 400,000 residents have the option of appointing or electing their municipal judges. Pro tem judges — often attorneys or retired judges who are temporarily filling vacancies for a court due to vacations, illness, and so on — are also appointed.

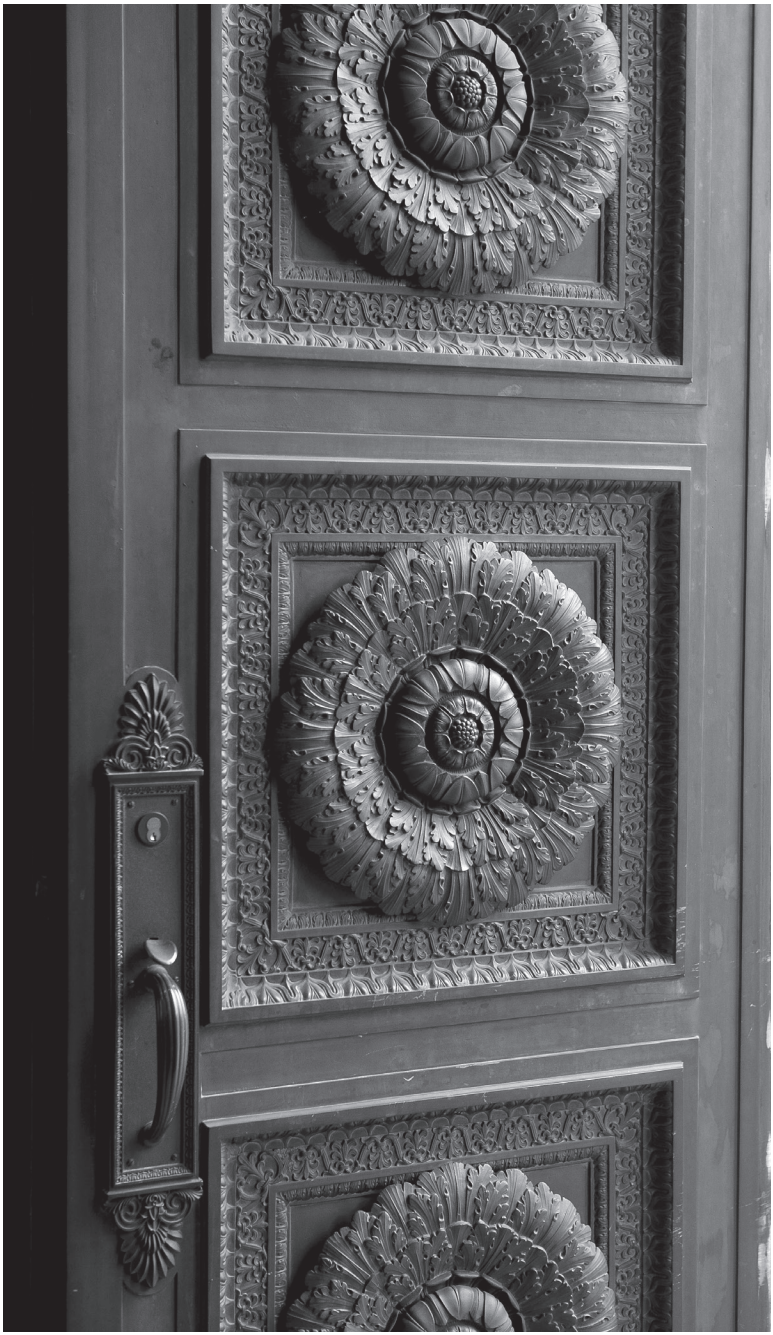
Superior, district and municipal court judges serve staggered four-year terms. Supreme Court justices and Court of Appeals judges serve staggered six-year terms.

Municipal court elections are held at the city level, with all registered voters in the municipality able to vote for the judicial candidate. District court judges are elected at the county level, and voters within the county can vote for the candidates. Superior court judges are elected by voters in their districts — some districts include more than one county, such as the Benton-Franklin County Superior Court district — and all voters in the district can vote for candidates. Court of Appeals judges also serve districts that often encompass more than one county (however, counties are not split as they are with legislative candidates), and all voters in the district can vote for Court of Appeals candidates. Voters throughout the state can vote for any Supreme Court candidate.

Judicial candidates are governed in what they can say and do during campaigning by Canon 7 of Washington's Code of Judicial Conduct (which can be found at www.courts.wa.gov). The code bars judicial candidates from holding leadership positions in political parties, from fundraising for or making contributions to political parties or non-judicial candidates, from making statements that appear to commit them on legal issues likely to come before them in court, among other restrictions. Canon 4 of the Code of Judicial Conduct allows judges to participate in organizations and activities, including fundraising, whose purpose is to improve the law, the legal system and/or the administration of justice, "if in doing so they do not cast doubt on their capacity to decide impartially any issue that may come before them." For information, contact the Commission on Judicial Conduct at www.cjc.state.wa.us, or 360-753-4585.

When judicial appointments are necessary, the governor appoints judges to fill vacancies for the Supreme Court, the Court of Appeals and for superior courts. County elected officials appoint district court judges, and municipal leaders appoint municipal court judges.

For more information on judicial elections, visit www.sos.wa.gov/elections.



CHAPTER

5

RESOURCES

Acronyms

As with any large system with multiple organizations, committees, rules and more, the state's law and justice system has evolved into using a fair number of acronyms. While it would be unwieldy to list every acronym from every jurisdiction, here is a list of those which a reporter might come across during general research and reporting.

AOC	Administrative Office of the Courts
ABA	American Bar Association
ALJ	Administrative Law Judge
AWSCA	Association of Washington Superior Court Administrators
BJA	Board for Judicial Administration
BBP	Bench-Bar-Press Committee
CASA	Court Appointed Special Advocate
CLJ	Courts of Limited Jurisdiction
CJC	Code of Judicial Conduct, or Commission on Judicial Conduct
CMC	Court Management Council
DMCJA	District and Municipal Court Judges' Association
DOJ	U.S. Department of Justice
DUI	Driving Under the Influence of Intoxicants
GR	General Rule
JIS	Judicial Information System
LFO	Legal Financial Obligation (fines or fees levied by a judge)
OCLA	Office of Civil Legal Aid
OPD	Office of Public Defense
PJ	Presiding Judge
PT&C	Public Trust and Confidence Committee
RCW	Revised Code of Washington
SCJA	Superior Court Judges' Association
SJI	State Justice Institute
TVB	Traffic Violation Bureau
WSBA	Washington State Bar Association

Accessing court records

The Washington State Constitution (Article I, Section 10) guarantees that justice will be administered openly. Access to Washington court proceedings and court records is governed by a variety of court rules, and state statutes and case law. Washington has a specific core court rule on access to records — General Rule 31 — which provides that all court records are open to the public except as restricted by federal law, state law, court rule, court order or case law. (See Court rules and RCWs, page 51 for a list of rules that govern access to courts and records.)

Court records include any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Examples of court records are: an index, calendar, docket, order, decree, judgment, or minute entry in a courtroom proceeding. [General Rule 31(c)(4)]

Search warrants are only public and accessible after they have been served.

Records not available to the public

Some categories of court records the public cannot access include:

- Adoption records
- Alcohol and drug treatment commitment records
- Confidential name change records
- Court records sealed by judicial order
- Juvenile non-offender records (Juvenile Dependency, Truancy, At-Risk Youth, Child In Need of Services, Termination of Parental Rights, and Developmental Disability Placement)
- Mental illness commitment records
- Paternity records (except final orders)

Special restrictions for family law cases

Family law (and guardianship) cases have some additional restrictions. Some documents not available to the public include:

- Confidential Information Form.
- Detailed portions of certain family law and guardianship reports such as parenting evaluations, domestic violence, risk assessments and CPS reports, sexual abuse evaluations, and guardian ad litem reports. (See GR 22 (e) for specific details.)
- Foreign Protection Order information form (collected by the court and forwarded to local law enforcement).
- Law enforcement information form (collected by the court and forwarded to local law enforcement).
- Notice of Intent to Relocate.
- Retirement plan orders.
- Sealed financial source documents (such as income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, check registers, as well as other financial information sealed by court order).
- Sealed personal healthcare records (records related to the physical or mental health of an individual or which involve genetic parentage testing).
- Vital statistics form (collected by the court and forwarded to the state Department of Health).

Restricted family law documents are only accessible to an interested party if access is granted by the court. In order to be granted access, you must first file a Motion and Declaration to Allow Access to Records under GR 22 (h)(2) with the court of record, and schedule your motion for a hearing.

Juror information

The names of jurors are available to the public. All other information is considered confidential. If additional information about jurors is desired, the person requesting the information would need to petition the trial court and show good cause why further information should be disclosed. [General Rule 31(j) & (k)]

Viewing or obtaining a copy of a court record

Court records in case files are maintained by the court administration for district and municipal courts, by the county clerk for superior courts, and by the clerk for appellate (Supreme Court and Court of Appeals) courts. The procedure for requesting access to a court record in a case file or a copy of a court record varies from court to court. A court can provide access only to its own records, not those of another jurisdiction. However, statewide access to case management records in the Judicial Information System (JIS) for all courts is available.

Accessing court records online

Some courts and clerks' offices have websites that allow access to court records online. Check with the court or clerk's office where the record was filed to determine if it has online access.

Accessing online case management records

AOC maintains a statewide case management system called the Judicial Information System (JIS). The JIS does not maintain actual court documents. However, the Administrative Office of the Courts maintains a "Search Case Records" web page, www.dw.courts.wa.gov, in which a name or case number can be searched for an index of filed cases and list of documents for those cases. Many Washington courts and clerks have public access terminals in the courthouses where you can view JIS public record case information. Contact your local court or clerk's office to see if it has a public access terminal. You can also access the JIS from your home or office computer by subscribing to a service called JIS-Link, which provides a public access version of the system's screens.

For more information about AOC's JIS-Link, visit www.courts.wa.gov/jislink/.

In addition to the JIS, some local courts maintain case management information systems themselves. For information on these systems and how to access them, contact the local court.

Fees for viewing and copying court records

There is no fee to view a court document at the courthouse but, as permitted by law, many courts charge fees to copy a document. Also, if remote electronic access is available, the court may charge a fee for remote access to a court document or case information. There are fees for subscribing to and using JIS-Link.

There is a common law right to make photocopies of court case files. Cost for copying court case files should not exceed a reasonable level because the court should not profit from the public's exercise of its common law right. GR 31 also allows certain information to be removed, covered or "redacted" from court records. This includes financial account numbers, driver license numbers and social security numbers.

Data on specific crimes statewide or in specific locations (e.g., prostitution convictions in King and Clark counties) are available by placing a "data dissemination" request with the AOC. A fee is charged based on how many hours the request takes to process. For best (and quickest) results, have ready the specific RCW for the crime(s) you want searched and make your request as specific as possible. For information, visit the data dissemination page at www.courts.wa.gov/datadis.

Court rules and RCWs

The following court rules and laws pertain to access to court proceedings and records:

General Rule 16 (GR 16): Courtroom Photography and Recording by the News Media

In Washington, open access to court proceedings is presumed. If judges find there are reasons for limitations, those reasons must be compelling, must be specified in an oral or written order, and judges must allow members of the media to state their objections if they request to do so.

GR 16 also states that "Video and audio recording and still photography by the news media are allowed in the courtroom during and between sessions, provided (1) that permission shall have first been expressly granted by the judge; and (2) that media personnel not, by their appearance or conduct, distract participants in the proceedings or otherwise adversely affect the dignity and fairness of the proceedings."

General Rule 31 (GR 31): Access to Court Records

In 2004, the Washington Supreme Court approved a new comprehensive rule regarding access to court records in either paper or electronic form. The purpose was to provide judges, county clerks and court administrators throughout the state with consistent guidelines on public access to court

records in whatever form they exist. Again, the presumption is toward openness of court records unless there are specific reasons or rules prohibiting access.

GR 31 states: "It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by Article 1, Section 7 of the Washington State Constitution, and shall not unduly burden the business of the courts."

General Rule 22 (GR 22): Access to Family Law and Guardianship Court Records

GR 22 governs access to family court records. Most family court records are publicly accessible. However, this rule recognizes that family law court files may contain a small amount of information that is confidential such as financial source information (like checking account numbers) and personal identifiers (like social security numbers). This information is filed with a cover sheet that indicates the information is confidential for reasons set forth in GR 22. Information filed with this cover sheet is not available to the public. But any person may file a motion, supported by an affidavit showing good cause, for access to any document that is restricted and the court shall make a decision if the person can have access to the document.

General Rule 15 (GR 15): Destruction, Sealing and Redaction of Court Records

This rule sets forth a uniform procedure for the destruction, sealing and redaction of court files, cases, records or specified documents or material in court records at all court levels. The rule includes procedures for requesting the sealing and unsealing of records, which can be initiated by any party to a civil or criminal case or by a judge, as well as procedures for destruction of records, clerk's duties and more.

The circumstances under which court records may be destroyed, sealed or partially redacted are very limited. After a hearing, the court may order the court files and records in the proceeding, or any part thereof, to be sealed or redacted if the court enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety concerns that outweigh the public interest in access to the court record. Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records. Court records are maintained by

the clerk of each separate court. A court can only address requests made concerning cases filed in that court. The sealing, destroying or redaction of a court record does not necessarily change or delete the records maintained by law enforcement agencies, the Department of Licensing or other government agencies.

Juvenile Courts and Juvenile Offenders: Revised Code of Washington 13.50

RCW 13.50 spells out which juvenile records are open (primarily court proceedings) and which are closed (most other records that would identify a particular juvenile or his or her family).

Full court rules are available at www.courts.wa.gov/court_rules. RCWs are available at apps.leg.wa.gov/rcw/.

Additional RCWs that affect court records:

- Adoptions: RCW 26.33.330
- Chemical Dependency Commitment: RCW 70.96A.150
- Confidential Name Changes: RCW 4.24.130(5)
- Mental Illness Commitment: RCW 71.05.620
- Mental Illness Commitment of Minors: RCW 71.34.210
- Paternity: RCW 26.26.610(2)
- Vacation of felony convictions: RCW 9.94A.640 and 9.95.240.
- Vacation of misdemeanor convictions: RCW 9.96.060.

Shield law

A shield law protecting journalists from being compelled in court to disclose their sources of information was approved by legislators and went into effect in 2007. Some restrictions apply to the law. RCW 5.68.010 can be viewed by going to apps.leg.wa.gov/rcw.

Bench-Bar-Press Committee

The Bench-Bar-Press Committee of Washington (BBP) was formed in 1963 to foster better understanding and working relationships between judges, lawyers and the journalists who cover courts and legal issues. The committee seeks to accommodate, as much as possible, the tensions between the constitutional values of “free press” and “fair trial.”

The Bench-Bar-Press Committee is chaired by the Chief Justice of the Washington State Supreme Court and includes representatives from the legal profession, judiciary, law enforcement and the news media.

The committee meets as a whole once or twice each year to review the state of relations between the various interested groups and to plan educational and other activities. The Committee was the catalyst in opening up courtrooms to broadcast and still camera coverage in 1976. At the time, Washington was only the second state in the nation to allow cameras in the courtrooms.

A special subcommittee of the Bench-Bar-Press Committee, the Liaison Committee ("Fire Brigade"), has been created to help sort out conflicts of courtroom coverage. The Fire Brigade can speak with, or mediate on behalf of, any lawyer, judge or journalist facing an immediate "free press/ fair trial" issue. Contact the Liaison Committee through the Administrative Office of the Courts at (360) 705-5331, or by visiting www.courts.wa.gov/ programs_orgs/, click on "Bench Bar Press," then click on "Fire Brigade" to find the current chairpersons of the committee.

The BBP Committee has adopted a "Statement of Principles" to promote a better working relationship between the judiciary, attorneys and journalists, with a goal of protecting both free speech and fair trials. That statement can be found at www.courts.wa.gov/programs_orgs/, under "Bench Bar Press," by clicking on "Statement of Principles."

Judicial resources

Alphabetical listing of official and unofficial resources for reporters.

Access to Justice Board
www.wsba.org/atj

Established by the state Supreme Court and administered by the Washington State Bar Association, this Board monitors access to justice services for all people (such as a recent groundbreaking study on access to civil legal services for the poor) and recommends actions to improve access.

Administrative Office of the Courts (AOC)
(360) 753-3365
www.courts.wa.gov

The administrative arm of the state court system oversees the statewide Judicial Information System (JIS); has online court directories listing members of the state Supreme Court, judges and courts throughout the state, court interpreters, court facilitators, tribal courts and more; publishes Supreme Court and Court of Appeals opinions online; has notification services for reporters and the public; has statewide court statistics; and provides studies and information on the workings of the court system.

Bench-Bar-Press Committee
(360) 705-5331
www.courts.wa.gov (Click Programs & Organizations)

This large committee works to improve communications between attorneys, judges and the media, and contains representatives of all three. It includes a committee to address immediate issues — such as the closure of a court hearing — that arise between the bench, bar and/or press. Staff for the Bench-Bar-Press Committee is housed at the Administrative Office of the Courts.

Board for Judicial Administration (BJA)
(360) 357-2121
www.courts.wa.gov (Click Programs & Organizations)

Provides leadership, develops policy and addresses legislative issues affecting Washington courts. Judges serving on the Board represent the more than 400 elected and appointed judges presiding at all court levels.

Council on Public Legal Education (PLE)
www.lawforwa.org/civics-washington/council-public-legal-education

A standing committee of the Access to Justice Board, this council works to promote public understanding of the law and civic rights and responsibilities.

County Clerk's Office

The county clerk (sometimes called the "court clerk") maintains the records of the court, manages caseflow, and works with judges, assistants, court reporters and other court staff. Here you will find out what's happening with a case in the form of calendars, dockets, all records of court proceedings and case records for that court.

Court personnel

Court administrators or their assistants often act as public information officers for their courts and can help reporters navigate the court calendars and court system. Court reporters can provide transcripts of portions of public testimony at statutory rates per page. At times convenient to the court, news reporters may listen to the sound recorded testimony of proceedings that are open to the public.

District and Municipal Court Judges' Association (DMCJA)
(360) 753-5282
www.courts.wa.gov (Click Programs & Organizations)

An association addressing issues affecting district and municipal court judges across the state. The president and board members are elected by member judges.

Federal courts media guide
www.uscourts.gov

Online media guide to the federal court system, A Journalist's Guide to the Federal Courts, by the Administrative Office of U.S. Courts.

Gender and Justice Commission
(360) 704-1170
www.courts.wa.gov (Click Programs & Organizations)

Established by the state Supreme Court to promote gender equality in law and the courts.

Innocence Project Northwest
www.ipnw.org

Like the national Innocence Project, this is a non-profit coalition of attorneys, law professors and students working to free wrongfully convicted prisoners in the Northwest.

Jurors and witnesses

They may be willing to discuss a case after a trial is completed. Witnesses may provide insight into some aspect of a case that was not fully developed on the witness stand. Jurors may NOT be questioned by reporters during a trial. Judges may sometimes order that witnesses not speak to reporters during a trial, but this is on a case-by-case basis.

LawForWA.org
www.lawforwa.org

A partnership of the University of Washington's Educational Partnerships and Learning Technologies, the Access to Justice Board's Council on Public Legal Education, the Washington State Bar Association, and the Seattle University School of Law. This Website provides easy access to information on the law, the courts, the government, and civic rights and responsibilities.

Law libraries

Law libraries are maintained in the courthouses of most counties by county bar associations and/or the courts. The State Law Library is located in Olympia in the Temple of Justice. Law libraries contain the Revised Code of Washington, legal encyclopedias, and legal periodicals and publications such as law school reviews, state and federal bar association journals.

Law Schools

Law professors can be excellent sources for comments on justice trends and issues, particularly when attorneys and judges involved in cases cannot comment. Washington's three law schools include:

University of Washington School of Law in Seattle
www.law.washington.edu

(206) 543-4550

Gonzaga University School of Law in Spokane
www.law.gonzaga.edu

(509) 313-5790

Seattle University School of Law
www.law.seattleu.edu

(206) 398-4200

Minority and Justice Commission
(360) 705-5327
www.courts.wa.gov (Click Programs & Organizations)

Established by the state Supreme Court to determine through research if racial or ethnic biases exist in the state courts, and to take steps to overcome them.

National Center for State Courts
(800) 616-6164
www.ncsc.org

Represents the concerns of state courts to federal lawmakers, provides research, guidance and educational programs on state court issues such as budgets, new technology and security.

Northwest Intertribal Court System
www.nics.ws

Consortium of Indian tribes that have joined together to ensure that each tribe is able to have its own court by sharing judges, prosecutors, and related court services.

Northwest Justice Project
(888) 201-1012
www.nwjustice.org

Operates a hotline (CLEAR) for low-income state residents to provide information about courts and the law, as well as referral and advice. Also has other legal information and services for low-income.

Prosecutor's Office

For criminal trials, prosecutors may be the quickest way to learn a defendant's criminal history, to understand charges and possible sentencing ranges, to understand plea agreements, and more.

Presiding Judges

Each court, no matter how small, has a presiding judge who oversees management of the court and is the court's main spokesperson.

Revised Code of Washington (RCW)

RCW Title 2 pertains to the Supreme Court, Court of Appeals and superior courts, while RCW Title 3 addresses district and municipal courts. These RCWs lay out the structure of the courts, number of judges, elections, appointments, juries, witnesses, use of magistrates and commissioners, judicial discipline, retirement system, legal aid, public defense, and more. Other RCWs address crime and punishment (Title 9 and 9A), criminal procedures (Title 10), civil procedures (Title 12), juvenile courts (Title 13). RCW 9.58 addresses libel and slander laws. The RCWs can be found on the Administrative Office of the Courts Website at www.courts.wa.gov, or on the state government website at www.access.wa.gov, as well as in most libraries.

Superior Court Judges' Association (SCJA)
www.wascja.com

An association addressing concerns and issues affecting superior court judges across the state. The president and board members are elected by superior court judges.

The Washington Administrative Code (WAC)
apps.leg.wa.gov/wac

Rules and regulations of state administrative agencies.

Trial court records

Documents filed by lawyers in a case become part of the court's file. Depositions, although filed with the court for convenience, ordinarily are not part of the court record until introduced at the trial. The filings are noted on a docket sheet, by date of filing and by a description of the materials filed. This provides a quick summary of the case history. Certain information may not be available, in accordance with court rules and statutes on access to court records.

U.S. Department of Justice (DOJ)
www.usdoj.gov

A jumping-off spot to look into national justice trends and issues, with many links to other national court and justice agencies.

U.S. DOJ, Bureau of Justice Statistics
www.justiceatstake.org

National and state statistics on a wide variety of justice trends, with links to other statistical reports such as the FBI's Uniform Crime Reports. Justice At Stake Campaign: An organization working to preserve a fair and impartial justice system by supporting an independent judiciary. The organization was created because of growing political pressures and attacks on judges.

WashingtonLawHelp
www.washingtonlawhelp.org

A website helping low-income people get self-help civil legal aid, and to find legal aid providers.

Washington Association of County Officials
(360) 753-7319
www.countyofficials.org

This association includes affiliate groups such as the Washington State Association of County Clerks, which coordinates efforts on behalf of county clerks across the state, many of them involving court oversight issues.

Washington Association of Prosecuting Attorneys
(360) 753-2175
www.waprosecutors.org

Serve as spokespersons for issues affecting prosecutors.

Washington Association of Sheriffs and Police Chiefs
(360) 486-2380
www.waspc.org

Maintains a database of crime statistics.

Washington Defender Association
(206) 623-4321
www.defensenet.org

Represents the interests of public defense attorneys and provides support to public defenders.

Washington State Bar Association
(800) 945-9722
www.wsba.org

The WSBA maintains a database of attorneys who specialize in different areas of law — as varied as elder and environmental law, immigrant and Indian law. The WSBA's committees address attorney ethics, discipline, public comment, fee arbitration, the recommendation of judicial candidates and many legal-system issues. The WSBA has a media relations officer to work with reporters.

Washington State Center for Court Research
(360) 753-3365
www.courts.wa.gov/wsccr

The research arm of the AOC publishes annual "caseload" reports that reveal crime and court trends, along with other specialized statistical reports. For a fee, the office can compile statistics on specific crimes or court actions.

Washington State Commission on Judicial Conduct
(360) 753-4585
www.cjc.state.wa.us

Investigates complaints of judicial misconduct or disability.

Washington State Office of Civil Legal Aid
(360) 704-4135
www.ocal.wa.gov

This office was established in 2005 to oversee legal aid services to low-income state residents with civil legal problems such as employment discrimination, housing discrimination, denial of health care, family safety problems, and more.

Washington State Office of Public Defense
(360) 586-3164 or (800) 414-6064
www.opd.wa.gov

Oversees criteria and guidelines regarding public (indigent) defense services, and provides research studies and recommendations to state legislators regarding public defense issues.

Washington State Patrol
(360) 596-4000
www.wsp.wa.gov

Maintains crime and accident statistics, criminal history conviction records and a database of sex offenders.

Washington State Sentencing Guidelines Commission
(360) 902-0425
www.sgc.wa.gov

Created by law to establish sentencing guidelines for criminal offenders. Can explain sentencing, early release, and keeps reports and statistics on sentencing trends and issues.

Washington Traffic Safety Commission
(360) 725-9860
www.wtsc.wa.gov

Has a large research database on traffic violations, trends, fatalities, injuries, seat belt use, teen and elderly drivers, types and causes of traffic accidents, DUIs and more.

Glossary

a

acquit
To find a defendant not guilty in a criminal trial.

action
Proceeding taken in a court of law. Synonymous with case, suit, lawsuit.

adjudication
A judgment or decree.

Administrator
1. One who administers the estate of a person who dies without leaving a will. 2. A court official.

advance sheets
Initial, temporary publications of decisions of Washington's appellate courts. Advance sheets are published weekly.

adversary system
Basic U.S. trial system in which each of the opposing parties has an opportunity to state his or her viewpoint before the court. Plaintiff argues for defendant's guilt (criminal) or liability (civil). Defense argues for defendant's innocence (criminal) or against liability (civil).

affidavit
A written or printed declaration or statement under oath. See certificate under penalty of perjury.

affidavit of prejudice
A written motion by a party requesting that a different judge be assigned to hear a case.

affirm
The assertion of an appellate court that the judgment of the lower court is correct and should stand.

Alford plea
A plea in a criminal case in which the defendant does not admit the act and asserts innocence, but admits there is sufficient evidence with which the prosecution could convince the fact finder the defendant is guilty.

allegation
An assertion, declaration or statement of a party to an action made in a pleading, stating what the party expects to prove.

alleged
(allegation) Stated; recited; claimed; asserted; charged.

amicus curiae/amicus brief

Latin term meaning "friend of the court." The name for a brief filed with the court by someone who is not a party to the case.

answer

A formal response to a claim, admitting or denying the allegations in the claim.

AOC

Administrative Office of the Courts (see Court Administration, page 22).

appeal

Review of a case by a higher court.

appeal on the record

Refers to a review by an appellate court through an examination of the lower court's transcript, tape recording or other official documentation of the proceeding.

appearance

1. The formal proceeding by which a defendant submits to the jurisdiction of the court. 2. A written notification to the plaintiff by an attorney stating that he or she is representing the defendant.

appellant

Party appealing a decision or judgment to a higher court.

appellate court

A court having jurisdiction over appeal and review.

appellee

The party against whom an appeal is taken. (See "respondent.")

arbitration

The hearing and resolution of a dispute between opposing parties by a third party (arbitrator) whose decision may be binding or non-binding.

arraignment

In criminal cases, a hearing where the court advises a defendant of the charges and the defendant is asked to plead guilty or not guilty.

at issue

The time in a lawsuit when the complaining party has stated a claim, the other side has responded with a denial and the matter is ready to be tried.

attachment

Taking a person's property to satisfy a court-ordered debt.

attorney at law

A lawyer; one who is licensed to act as a representative for another in a legal matter or proceeding.

attorney of record

An attorney, named in the records of a case, who is responsible for handling the case on behalf of the party he or she represents.

b

bail

An amount of money determined by the judge and posted with the court clerk as security for the defendant's appearances in a criminal case.

bail bond

An agreement by a third party to pay a certain sum of money if the defendant fails to appear in court.

bailiff

A court employee who, among other things, maintains order in the courtroom and is responsible for custody of the jury.

bankruptcy

A legal proceeding in federal court where a person or business is relieved of paying certain debts.

bench warrant

Process issued by the court itself or "from the bench" for the attachment or arrest of a person.

BJA

Board for Judicial Administration (see Court Administration, page 22).

brief

A legal document, prepared by an attorney, which presents the law and facts supporting his or her client's case.

burden of proof

Measure of proof required to prove a fact. Obligation of a party to prove facts at issue in the trial of a case.

c

calendar

List of cases arranged for hearing in court.

caption

The caption of a pleading, or other papers connected with a case in court, is the heading or introductory clause which shows the names of the parties, name of the court, number of the case, etc.

case

Any proceeding, action, cause, lawsuit or controversy initiated through the court system by filing a complaint, petition, indictment or information.

caseload

The number of cases a judge handles in a specific time period.

cause of action

A legal claim.

certificate under penalty of perjury

A written statement, certified by the maker as truthful under penalty of perjury. In many circumstances, it may be used in lieu of an affidavit. (See "affidavit.")

certiorari

Procedure for removing a case from a lower court or administrative agency to a higher court for review.

challenge for cause

A request by a party that the court excuse a specific juror on the basis that the juror is biased.

chambers

A judge's private office.

change of venue

The removal of a case begun in one court, to another. (See "venue.")

charge

Formal accusation of having committed a criminal offense.

chief judge

Presiding or administrative judge in a court.

chief justice

Presiding justice of the Supreme Court, elected by other justices for a four-year term.

circumstantial evidence

All evidence of indirect nature; the process of decision by which judge or jury may reason from circumstances known or proved to establish by inference the principal fact.

citation

1. Summons to appear in court. 2. Reference to authorities in support of a legal argument.

civil law

All law that is not criminal law. Usually pertains to the settlement of disputes between individuals, organizations or groups and having to do with the establishment, recovery or redress of private and civil rights.

CJC

Code of Judicial Conduct, as well as the Commission on Judicial Conduct (see Professional Conduct and Discipline, page 39).

claim

The assertion of a right to money or property.

clerk of court

An officer of a court whose principal duty is to maintain court records and preserve evidence presented during a trial.

CLJ

Courts of Limited Jurisdiction, refers to district and municipal courts.

closing argument

The closing statement, by counsel, to the trier of facts after all parties have concluded their presentation of evidence.

code

A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.

commit

To lawfully send a person to prison, a reformatory or an asylum.

common law

The system of jurisprudence which is based on judicial precedent, rather than legislatively enacted statutes of law. Also called "case law."

community restitution (formerly called "community service")

A sentencing alternative usually used in lieu of or in addition to a monetary penalty or fine.

commutation

Change of punishment from a greater to a lesser degree, such as from death to life imprisonment or ending a sentence that has been partially served.

comparative negligence

Negligence of a plaintiff in a civil suit which decreases the recovery of damages by his or her percentage of negligence compared to a defendant's negligence.

competency

In the law of evidence, the presence of those characteristics which render a witness legally fit and qualified to give testimony.

complainant

One who makes a complaint. (See "plaintiff.")

complaint

I. (criminal) Formal written charge that a person has committed a criminal offense. 2. (civil) Initial document entered by the plaintiff which states the claims against the defendant.

condemnation

The legal process by which real property owned by a private individual is taken for public use without consent but upon the award and payment of just compensation.

contempt of court

Any act that is meant to embarrass, hinder or obstruct a court in the administration of justice. Direct contempt is committed in the presence of the court; indirect contempt is when a lawful order is not carried out or is refused. Contempt is punishable by a fine, incarceration or both.

contested hearing

A court hearing held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying.

continuance

Adjournment of the proceedings in a case from one day to another.

convict

1.To find a person guilty of a charge (verb). 2. One who has been found guilty of a crime or misdemeanor; usually refers to convicted felons or prisoners in penitentiaries (noun).

corpus delicti

The specific loss or injury sustained, such as the death of a victim or the burning of a house.

corroborating evidence

Evidence supplementary to that already given and tending to strengthen or confirm it.

costs

The expenses of prosecuting or defending a suit. Ordinarily does not include attorney's fees.

counterclaim

Claim presented by a defendant in opposition to, or deduction from, the claim of the plaintiff.

county clerk

Official who is clerk of the superior court, generally but not always an elected position. (See "clerk of court.")

court

1. Place where justice is administered. 2. Judge or judges sitting in the court administering justice.

court administrator

Manager of administrative, non-judicial affairs of the court.

court commissioner

An appointed judicial officer at both trial and appellate court levels who performs many of the same duties as judges and justices.

court of appeals

Intermediate appellate court to which most appeals are taken from superior court.

court reporter

Person who records and transcribes the verbatim testimony and all other oral statements made during court sessions.

court, district

Court of limited jurisdiction where civil cases up to $100,000 and small claims cases up to $5,000 can be heard. Criminal and gross misdemeanors and traffic citations are also heard in district court.

court, juvenile

Division of superior court that deals with the conduct and circumstances of children under the age of 18.

court, municipal

Court whose jurisdiction is confined to a city or local community. In Washington, jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances.

court, small claims

A division of state district court where parties can bring claims up to $5,000. Procedures are simplified and lawyers are generally not allowed.

court, superior

State trial court of general jurisdiction. (See "general jurisdiction.")

court, supreme

"Court of last resort." Highest court in the state and final appellate court.

courts of limited jurisdiction

Includes district and municipal courts.

crime

Conduct declared unlawful by a legislative body and for which there is a punishment of a jail or prison term, a fine, or both.

criminal insanity

Mental disorder so severe that it excuses the person from criminal responsibility.

criminal law

Body of law pertaining to crimes against the state or conduct detrimental to society as a whole. Violation of criminal statutes are punishable by law.

cross-examination

The questioning of a witness by the party opposed to the one who produced the witness.

custody

Detaining of a person by lawful process or authority to assure that individual's appearance to any hearing; the jailing or imprisonment of a person convicted of a crime.

d

damages

Compensation recovered in the courts by a person who has suffered loss, detriment or injury to his or her person, property or rights, through the unlawful act or negligence of another.

de novo

"Anew." A trial de novo is a completely new trial held as if the original trial in the court of limited jurisdiction had never taken place.

declaratory judgment

A judgment that declares the rights of the parties on a question of law.

decree

Decision or order of the court. A final decree completes the suit; an interlocutory decree is a provisional or preliminary decree which is not final.

default

A failure of a party to respond in a timely manner to a pleading; a failure to appear for trial.

defendant

1. (criminal) Person charged with a crime.
2. (civil) Person against whom a civil action is brought.

defense attorney

The attorney who represents the defendant.

deferred sentence

See "sentence, deferred."

deposition

Sworn testimony taken and recorded in an authorized place outside of the courtroom, according to the rules of the court.

destroy

To obliterate a court record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy. See "expunge."

determinate sentence

See "sentence, determinate."

direct examination

The questioning of a witness by the party who produced the witness.

discovery

A pretrial proceeding where a party to an action may be informed about (or "discover") the facts known by other parties or witnesses.

dismissal with prejudice

Dismissal of a case by a judge which bars the losing party from raising the issue again in another lawsuit.

dismissal without prejudice

The losing party is permitted to sue again with the same cause of action.

disposition

1. Determination of a charge; termination of any legal action.
2. A sentence of a juvenile offender.

dissemination

Disclosing criminal history record information to any person or agency outside the agency possessing the information.

dissent

The disagreement of one or more judges of a court with the decision of the majority.

dissolution

Legal ending of a marriage. Formerly called divorce.

District and Municipal Court Judges' Association (DMCJA)

Association of judges of courts of limited jurisdiction established by statute to study and make recommendations concerning the operation of the courts served by its members.

district court

See court, district.

divorce

See dissolution.

docket

Book containing entries of all proceedings in a court.

domicile

Place considered to be a person's permanent home.

double jeopardy

Prohibition against more than one prosecution for the same crime.

due process

Constitutional guarantee that the government must provide notice and opportunity to be heard before depriving a person of life, liberty or property.

DUI

Driving under the influence of intoxicating liquor or drugs.

e

eminent domain

The power to take private property for public use by condemnation. See condemnation.

en banc

Literally means "On the bench;" the full title is "en banc administrative conference," which means the entire court bench meets in conference. The judges discuss administrative matters such as budget, personnel, circulation of opinions and other administrative matters. An en banc meeting is not open to the public.

enjoin

To require a person to perform, or abstain or desist from some act.

entrapment

The act of officers or agents of a government in inducing a person to commit a crime not contemplated by the person, for the purpose of instituting a criminal prosecution against him or her.

et al

"And others."

evidence

Any form of proof legally presented at a trial through witnesses, records, documents, etc. (See "expert evidence.")

ex parte

1. A proceeding brought for the benefit of one party only, usually without notice to or challenge by an adverse party. 2. The department of the court which hears ex parte proceedings.

exhibit

Paper, document or other object received by the court as evidence during a trial or hearing.

expert evidence

Testimony given by those qualified to speak with authority regarding scientific, technical or professional matters.

expunge

To seal or physically destroy information, including criminal records in files, computers or other depositories. See GR 15(b)(3) definition of "destroy".

extradition

The surrender by one state to another of an individual accused or convicted of an offense outside its territory and within the territorial jurisdiction of the other.

f

fact-finding hearing

A proceeding where facts relevant to deciding a controversy are determined.

felony

A crime of graver nature than a gross misdemeanor, punishable by imprisonment in excess of one year.

fine

A sum of money imposed upon a convicted person as punishment for a criminal offense or infraction.

fraud

An intentional perversion of truth; deceitful practice or device resorted to with intent to deprive another of property or other right or in some manner to do injury to that person.

g

garnishment

Proceeding whereby property, money or credits of a debtor in the possession of another are applied to the debts of the debtor, as in the garnishment of wages.

general jurisdiction

Refers to courts that have no limit on the types of criminal and civil cases they may hear. Superior courts are courts of general jurisdiction.

grand jury

A body of persons sworn to inquire into crime and, if appropriate, bring accusations (indictments) against the suspected criminals. Not generally used in Washington.

gross misdemeanor

See misdemeanor.

guardian

A person appointed by a court to act on behalf of an adult found to be incapacitated. Responsible for the individual's "care, custody, and control" while respecting the individual's preferences. There are three categories of guardians. A lay guardian is a family member or friend who is generally not paid to perform this service (training is required). a professional guardian is paid for the service and is regulated by the Certified Professional Guardianship Board. A public guardian is paid by the state to provide service for low-income individuals and is also regulated by the Board.

guardian ad litem

1.) A person appointed by a court to manage the interests of a minor or incompetent person whose property is involved in litigation. 2.) Guardian ad Litem shall mean any person or program appointed in a Title 11, 13 or 26 RCW action to represent the best interest of a child, an alleged incapacitated person, or an adjudicated incapacitated person. The term guardian ad litem shall not include an attorney appointed to represent a party.

h

habeas corpus

"You have the body." A writ of habeas corpus requires a person be brought before a judge. It is usually used to direct an official to produce a prisoner so that the court may determine if such person has been denied his or her liberty without due process.

hearing

An in-court proceeding before a judge, generally open to the public.

hearsay

An out-of-court statement offered into evidence to prove the truth of the matter asserted.

hung jury

A jury whose members cannot agree on a verdict by the required voting margin.

hypothetical question

A statement of facts supported by evidence stated as a question upon which the opinion of an expert witness can be asked in a trial.

i

immunity

Freedom from duty or penalty.

impeachment of a witness

An attack on the credibility of a witness by the testimony of other witnesses.

inadmissible

That which, under the established rules of evidence, cannot be admitted or received.

indictment

Written accusation of a grand jury, charging that a person or business has committed a crime.

indigent

Needy; poor; impoverished. A defendant who can demonstrate his or her indigence to the court may be assigned a court-appointed attorney at public expense.

information

An accusation of some criminal offense, in the nature of an indictment, but which is presented by a competent public officer instead of a grand jury.

infraction

An act which is prohibited by law but which is not legally defined as a crime. In Washington state, many traffic violations are classified as infractions.

injunction

Writ or order by a court prohibiting a specific action from being carried out by a person or group.

instruction

Direction given by a judge to the jury regarding the applicable law in a given case.

interrogatories

Written questions developed by one party's attorney for the opposing party. Interrogatories must be answered under oath within a specific period of time.

intervention

Proceeding in a suit where a third person is allowed, with the court's permission, to join the suit as a party.

j

judge

An elected or appointed public official with authority to hear and decide cases in a court of law.

judge, pro tem

Temporary judge.

judgment

Final determination by a court of the rights and claims of the parties in an action.

jurisdiction

Authority of a court to exercise judicial power.

jurisprudence

The science of law.

juror
Member of a jury.

jury
Specific number of people (usually 6 or 12), selected as prescribed by law to render a decision (verdict) in a trial. (See "trier of facts.")

juvenile court
See court, juvenile.

k

Knapstad Motion
Trial court motion to dismiss a criminal prosecution because the state's pleadings are insufficient to make out a prima facie case for all the elements of the charge.

l

law
The combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom.

law clerks
Persons trained in the law who assist judges in researching legal opinions.

leading question
One which suggests to a witness the answer desired. Generally prohibited on direct examination.

limited jurisdiction
Refers to courts that are limited in the types of criminal and civil cases they may hear. District, municipal and traffic violation bureaus are courts of limited jurisdiction.

litigant
One who is engaged in a lawsuit.

litigation
Contest in court; a lawsuit.

m

magistrate
Court official with limited authority.

mandate

Command from a court directing the enforcement of a judgment, sentence or decree.

mandatory arbitration

The hearing and settlement of a dispute, involving a money judgment of $50,000 or less, by a third party whose decision is binding on the parties.

misdemeanor

Criminal offenses less than felonies; generally those punishable by fine or imprisonment of less than 90 days in a local facility. A gross misdemeanor is a criminal offense for which an adult could be sent to jail for up to one year, pay a fine up to $5,000 or both.

mistrial

Erroneous or invalid trial. Usually declared because of prejudicial error in the proceedings or when there was a hung jury.

mitigating circumstances

Those which do not constitute a justification or excuse for an offense but which may be considered as reasons for reducing the degree of blame.

mitigation hearing

A hearing held in courts of limited jurisdiction for the purpose of allowing a person to explain the circumstances surrounding his or her commission of an infraction. The determination that an infraction has been committed may not be contested.

modify

In the appellate process, to change the terms of, rather than revise, a judgment of a trial court, administrative agency or intermediate appellate court.

monetary penalty

A penalty levied against a person convicted of a traffic infraction.

moot

Previously decided or settled, but lacking legal authority. A moot point is one not settled by judicial decisions.

motion

Oral or written request made by a party to an action before, during or after a trial upon which a court issues a ruling or order.

municipal courts

See courts, municipal.

n

negligence

The absence of ordinary care.

O

oath

Written or oral pledge by a person to keep a promise or speak the truth.

objection

Statement by an attorney taking exception to testimony or the attempted admission of evidence and opposing its consideration as evidence.

of counsel

Phrase used to identify attorneys that are employed by a party to assist in the preparation and management of a case but who are not the principal attorneys of record in the case.

offender

1. A person who has committed a felony, as established by state law, and is 18 years of age or older. 2. A person who is less than 18 but whose felony case has been transferred by the juvenile court to a criminal court.

omnibus hearing

A pretrial hearing normally scheduled at the same time the trial date is established. Purpose of the hearing is to ensure each party receives (or "discovers") vital information concerning the case held by the other. In addition, the judge may rule on the scope of discovery or on the admissibility of challenged evidence.

OPD

Office of Public Defense (see Judicial Resources, page 54).

opening statement

The initial statement made by attorneys for each side, outlining the facts each intends to establish during the trial.

opinion

Statement of decision by a judge or court regarding a case tried before it. Published opinions are printed because they contain new legal interpretations. Unpublished opinions, based on legal precedent, are not printed.

opinion, per curiam

Phrase used to distinguish an opinion of the whole court from an opinion written by only one judge.

overrule

1. Court's denial of any motion or point raised to the court. 2. To overturn or void a decision made in a prior case.

p

parties

Persons, corporations, or associations who have commenced a lawsuit or who are defendants.

penalty assessment

An assessment or fee added to a monetary penalty or fine. Such fees are earmarked for the support of specific state programs such as traffic safety, criminal justice training, etc.

peremptory challenge

Procedure which parties in an action may use to reject prospective jurors without giving a reason. Each side is allowed a limited number of such challenges.

perjury

Making intentionally false statements under oath. Perjury is a criminal offense.

personal recognizance

In criminal proceedings, the pretrial release of a defendant without bail upon the defendant's promise to return to court.

personal restraint petition

A single procedure in this state for original proceedings in appellate court to obtain relief formerly available in a petition for a writ of habeas corpus or by application for post-conviction relief.

petition

Written application to a court requesting a remedy available under law.

petition for review

A document filed in the state Supreme Court asking for a review of a decision made by the Court of Appeals.

petitioner

See plaintiff.

plaintiff

The party who begins an action; the party who complains or sues in an action and is named as such in the court's records. Also called a petitioner.

plea

A criminal defendant's official statement of "guilty" or "not guilty" to the charge.

plea bargaining

Called "plea agreements" in Washington, this is the process in criminal cases in which the accused and the prosecutor negotiate a mutually satisfactory disposition of the case. Such bargains are not binding on the court.

pleadings

Formal, written allegations by the parties of their respective claims.

polling the jury

A practice whereby the jurors are asked individually whether they agreed, and still agree, with the verdict.

power of attorney

Document authorizing another to act as one's agent or attorney in fact (not an attorney at law).

precedent

Previously decided case which is recognized as an authority for determining future cases.

preponderance of evidence

The general standard of proof in civil cases. The weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

pre-sentence report

A report to the sentencing judge containing background information about the crime and the defendant to assist the judge in making his or her sentencing decision.

presiding judge

Chief or administrative judge of a court. (See "chief judge.")

pro tem

"Temporary." See judge, pro tem.

probable cause

Reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.

probate

The legal process of establishing the validity of a will and settling an estate.

probation

Set of conditions and regulations under which a person found guilty of a criminal offense is allowed to remain in the community, usually under the supervision of a probation officer.

proceeding

Any hearing or court appearance related to the adjudication of a case.

prosecution

1. Act of pursuing a lawsuit or criminal trial. 2. The State of Washington, the party that initiates a criminal case.

prosecutor

Also called "prosecuting attorney," the public officer in each county who is a lawyer and who represents the interests of the state in criminal trials and the county in all legal matters involving the county. In criminal cases, the prosecutor has the responsibility of deciding who and when to prosecute. In other states, this position might be known as the "district attorney," a designation not used in Washington.

r

reasonable doubt

If, in the minds of the jury, a doubt exists which may have arisen from the evidence, or lack of evidence, a doubt that would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence, or lack of evidence.

rebuttal

The introduction of contradicting or opposing evidence showing what a witness said is not true; the stage of a trial at which such evidence may be introduced.

record

1. To preserve in writing, print or by film, tape, etc. 2. History of a case. 3. The word-for-word (verbatim) written or tape-recorded account of all proceedings of a trial. See transcript.

record on appeal

The portion of the record of a lower court necessary to allow a higher court to review the case.

redact

To protect from examination by the public and unauthorized court personnel a portion or portions or a specified court record. GR 15(b)(5)

redirect examination

Follows cross-examination and is carried out by the party who first examined the witness.

remand

To send back. A disposition by an appellate court that results in sending the case back to the original court from which it came for further proceedings.

reply

Pleading by the plaintiff in response to the defendant's written answer.

respondent

1. Party against whom an appeal is brought in an appellate court; the prevailing party in the trial court case. 2. A juvenile offender.

restitution

Act of giving the equivalent for any loss, damage or injury.

rests the case

When a party's presentation of evidence is concluded.

reversal

Setting aside, annulling, vacating, or changing to the contrary, the decision of a lower court or other body.

S

SCJA

Superior Court Judges' Association (see below, under "superior").

seal

To protect from examination by the public and unauthorized court personnel. An entire record or parts of a record may be sealed. The existence of a sealed file, unless protected by statute, is available for viewing by the public, but is limited to case number, names of parties, the notation "case sealed," the case type in civil cases and the cause of action or charge in criminal cases. GR 15(b)(4)

search and seizure, unreasonable

In general, an examination without authority of law, of one's premises or person for the purpose of discovering stolen or illegal property or some other evidence of guilt to be used in prosecuting a crime.

search warrant

A written order, issued by a judge or magistrate, directing an officer to search a specified house or other place for stolen property, drugs, or contraband. Usually required as a condition for a legal search and seizure.

sentence

Judgment formally pronounced by a judge upon a defendant following conviction in a criminal prosecution.

sentence, concurrent

Two or more sentences which run at the same time.

sentence, consecutive

Two or more sentences which run one after another.

sentence, deferred

An alternative to a prison sentence consisting of probation, jail, or other appropriate condition.

sentence, determinate

A sentence that states exactly the number of actual years, months or days of total confinement, partial confinement or community supervision or the number of actual hours or days of community service work or dollars or terms of a fine or restitution. The fact an offender can, through "earned early release," reduce the actual period of confinement, does not affect the classification of the sentence as a determinate sentence.

sentence, suspended

Execution of the sentence has been withheld by the court based on certain terms and conditions.

separation (jury)

Recessing the jury for meals.

service

Delivery of a legal document to the opposite party.

set aside

Annul or void as in "setting aside" a judgment.

settlement

1. Conclusion of a legal matter. 2. Compromise agreement by opposing parties in a civil suit before judgment is made, eliminating the need for the judge to resolve the controversy.

settlement conference

A meeting between parties of a lawsuit, their counsel and a judge to attempt a resolution of the dispute

small claims

See court, small claims.

speedy trial

Right of a defendant to be tried promptly.

statute

A law created by the Legislature.

statute of limitations

Law which specifies the time within which parties must take judicial action to enforce their rights.

stay

Halting of a judicial proceeding by order of the court.

stipulation

Agreement by the attorneys and parties on opposite sides of a case regarding any matter in the trial proceedings.

subpoena

Document issued by the authority of the court to compel a witness to appear and give testimony or produce documentary evidence in a proceeding. Failure to appear or produce is punishable by contempt of court.

subpoena duces tecum

"Bring the document with you." A process by which the court commands a witness to produce specific documents or records in a trial or deposition.

suit

Any court proceeding in which an individual seeks a decision. See case.

summons

Document or writ directing the sheriff or other officer to notify a person that an action has been commenced against him or her in court and that he or she is required to appear, on a certain day, and answer the complaint in such action.

Superior Court Judges' Association (SCJA)

Association of judges of Washington's courts of general jurisdiction established by statute to study and make recommendations concerning the administration of justice in the courts served by its members.

suspended sentence

See sentence, suspended.

t

testimony

Any statement made by a witness under oath in a legal proceeding.

tort

An injury or wrong committed, with or without force, to the person or property of another, which gives rise to a claim for damages.

transcript

The verbatim record of proceedings in a trial or hearing, which is kept by the court reporter.

trial

The presentation of evidence in court to a trier of fact who applies the applicable law to those facts and then decides the case.

trial de novo

See de novo.

trier of fact

The jury or, in a non-jury trial, the judge.

V

vacate

To nullify or cancel. An offender may apply to the sentencing court to vacate a conviction. The court may then clear the record of conviction and the offense would not be included in the offender's criminal history record.

venue

The specific county, city or geographical area in which a court has jurisdiction. See "change of venue."

verdict

Findings or decision by a jury on the factual issues in a case.

voir dire

(*pronounced "vwar-deer"*) "To speak the truth." The process of preliminary examination of prospective jurors, by the court or attorneys, regarding their qualifications.

W

Washington Appellate Reports

Bound volumes that contain printed decisions of the state's Court of Appeals.

Washington Reports

Bound volumes that contain printed decisions of the Washington State Supreme Court.

Washington State Bar Association (WSBA)

A statewide association of attorneys organized under rules of the Washington State Supreme Court to administer bar examinations, conduct mandatory legal education for attorneys and perform disciplinary functions in cases where an attorney may have violated rules of the Attorney's Code of Professional Conduct. Membership in the WSBA is mandatory for attorneys.

willful act

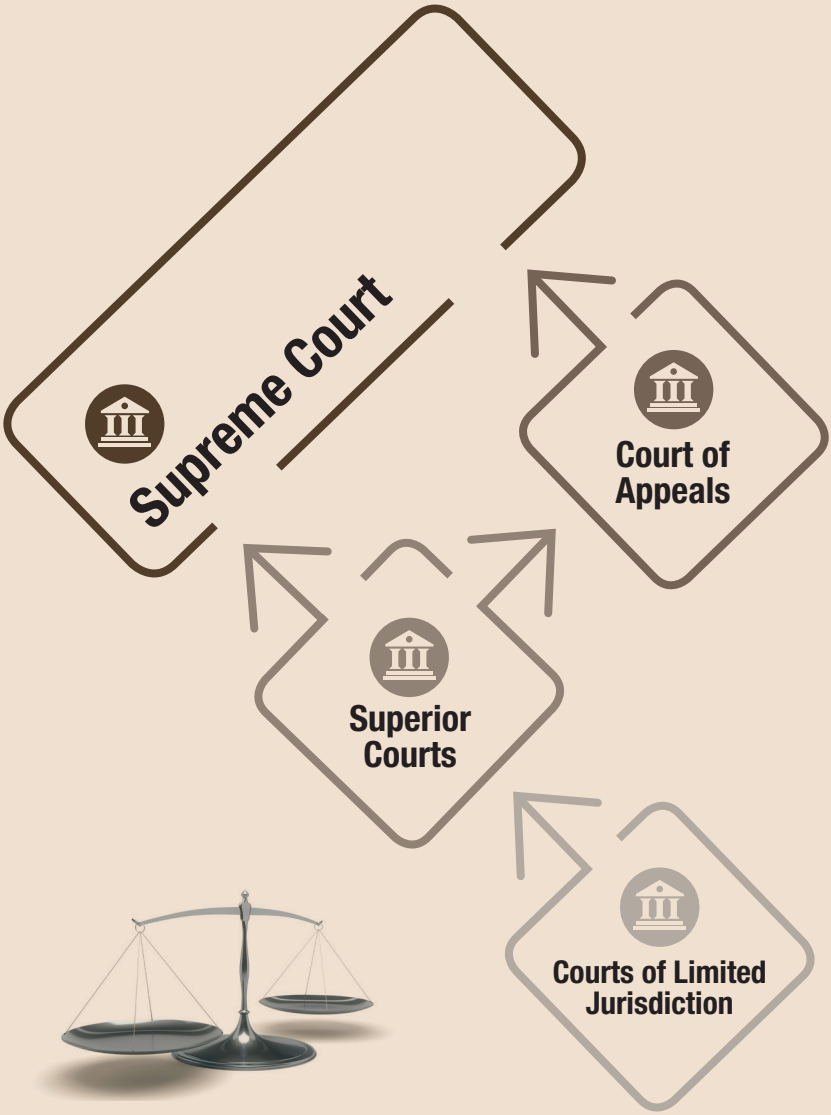
An intentional act carried out without justifiable cause.

witness

Person who testifies under oath before a court, regarding what he or she has seen, heard or otherwise observed.

writ

A special, written court order directing a person to perform, or refrain from performing, a specific act.



Visit www.courts.wa.gov/courtsystem for more details about Washington's court system.

WASHINGTON COURTS

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