

COURT OF APPEALS

Agency Goals and Objectives

Created in 1969 (Washington State Constitution - Article IV, Section 30; RCW 2.06), the Court of Appeals serves as the intermediary appellate court for the state of Washington. Statutes give the Court exclusive appellate jurisdiction in almost all appeals from a lower court decision, and court rules require the Court to accept review of a final judgment entered in any action in Superior Court.

The purpose of the Court of Appeals is to review cases and to render written opinions that state the grounds for the decision. The Court's objective is to provide this review in a timely manner.

Judges

The 22 judges of the Court of Appeals serve six-year terms, staggered to ensure that all judges are not up for re-election at the same time. Each division is divided into three geographic districts, and a specific number of judges must be elected from each district. Each division serves a defined geographic area of the state. The divisions are defined as follows:

Division I

District 1: King County, from which seven judges must be elected.

District 2: Snohomish County, from which two judges must be elected.

District 3: Island, San Juan, Skagit and Whatcom counties, from which one judge must be elected.

Division II

District 1: Pierce County, from which three judges are elected.

District 2: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, from which two judges are elected.

District 3: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties, from which two judges are elected.

Division III

District 1: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, from which two judges are elected.

District 2: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties, from which one judge is elected.

District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima Counties, from which two judges are elected.

To qualify for a position on the Court of Appeals, a person must have practiced law in Washington State for five years and, at the time of election, must have lived for a year or more in the district from which that position was drawn. Vacancies are filled by the Governor, with appointees serving until the next general election.

Although the Court of Appeals is a statewide court, each division has its own administrative staff and manages its own caseload. There is a Chief Judge--a position that rotates every two years--at each division. An Acting Chief Judge is also selected. The Chief Judge serves as the administrative manager of the division and is assigned specific responsibilities by the court rules for Personal Restraint Petitions.

The full Court elects a Presiding Chief Judge each year, and the position rotates among the three divisions according to court rules. The Presiding Chief Judge acts as the liaison and spokesperson for the Court of Appeals with all other levels of the judicial system.

The Presiding Chief Judge works with an Executive Committee that consists of the Chief Judges of each division and the Acting Chief Judge of Division I. The main responsibilities of this group include administering the budget, recommending and implementing policies for the full Court, establishing special committees, and appointing members of the Court to serve on committees involving the judiciary.

Primary Functions Performed

The primary function of the Court of Appeals is to render decisions on cases that come before the Court. All Notices of Appeal, Notices of Discretionary Review and Personal Restraint Petitions (habeas corpus) are reviewed by the Court.

In disposing of cases, the appellate court may *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision being reviewed and may take other action as the merits of the case and the interest of justice may require. Only decisions of the Court having precedential value are published.

Disposing of cases involves numerous steps. As soon as an appeal is received by the Court, it is screened to determine its appealability. Court rules outline criteria for accepting cases from a Notice of Appeal, a Notice of Discretionary Review or a Personal Restraint Petition. Once the case is accepted, a perfection schedule is set establishing the dates for attorneys to submit documents and for the record on review to be received by the Court of Appeals. The clerk in each division of the

Court monitors compliance with these perfection schedules. The clerks are also responsible for docketing all case information into the automated ACORDS case-management system, and for managing all cases from acceptance to mandate.

After briefs in a case have been received, they are carefully screened to determine what path the case will take. With the increase in filings over the past several years, the Court has recognized that it must be innovative and creative in its approach to decision making.

It is neither possible nor necessary for every case accepted in the Court to be scheduled for oral argument before a panel of judges. Instead, the Court is more responsive and fair to litigants when it segregates the cases so that some may be decided more quickly by commissioners or without oral argument. This allows the complex cases to be scheduled for full oral argument.

Traditionally, each division has followed a similar schedule for hearing cases. In the past, all divisions set cases for three terms each year. Time in between was dedicated to opinion drafting. However, one of the Court's responses to the increase in case filings has been to increase the number of cases decided by the judges. Judges now rotate their service on a monthly judge's motion calendar or on a panel with pro-tem judges, and sitting calendars are scheduled year round. The time available to prepare opinions has decreased as the judges' caseload has increased.

The client groups directly served by the Court of Appeals are attorneys and the litigants they represent who have cases before the Court. This means the client groups change daily as new cases are filed and other cases are mandated. Indirectly, the Court serves all residents of Washington as it renders decisions that affect all citizens.

Court of Appeals - Mission

The Court of Appeals, pursuant to Article IV, Section 30, of the Washington State Constitution and Chapter 2.06 Revised Code of Washington, is the state's non-discretionary appellate court with authority to reverse, remand, modify, or affirm the decision of the lower courts.

The Court's mission remains one of providing an independent, accessible, and responsive forum for the just resolution of disputes.

Court of Appeals - Goal

The primary goal of the Court of Appeals is:

A judicial system which provides equal justice and engenders public respect and confidence.

Major Strategies

To achieve its mission and meet its goal, the Court of Appeals will employ the following major strategies:

- Provide leadership in the development of a comprehensive judicial branch strategic plan that will include actions to ensure the court system is and continues to be responsive to the needs of Washington citizens.
- Streamline processes, eliminate redundant and unnecessary functions, and realign resources to better accomplish the work of the Court of Appeals.
- Encourage and facilitate greater use of information and telecommunications technologies to streamline business processes and the exchange of information throughout the criminal justice system.

2013-15 Current Biennium Total

CL AA Carry Forward Level	140.6	32,380	32,380
Total Carry Forward Level	140.6	32,380	32,380
Percent Change from Current Biennium			
M1 90 Maintenance Level Revenue			
Carry Forward plus Workload Changes	140.6	32,380	32,380
Percent Change from Current Biennium			
M2 AB Reinstatement of Merit Increments		620	620
M2 AC Step Increase (M)		2	2
M2 AD Division II Lease Increase		212	212
M2 AE Division I Lease Increase		114	114
Total Maintenance Level	140.6	33,328	33,328
Percent Change from Current Biennium			
PL A1 Employee Salary Adjustment			
Subtotal - Performance Level Changes	0.0		
2015-17 Total Proposed Budget	140.6	33,328	33,328
Percent Change from Current Biennium			

M2 AB Reinstatement of Merit Increments

The Court of Appeals requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen in 2009 as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

M2 AC Step Increase (M)

Funding is requested to implement the additional step increase approved by the legislature. Because of the budget constraints in recent years, there are no funds available to move eligible employees to Step M.

M2 AD Division II Lease Increase

The monthly lease payment for the building occupied by the Court of Appeals, Division II, will increase on July 1, 2015. Funding is requested to cover the additional cost.

M2 AE Division I Lease Increase

Funding is requested for an increase in the monthly lease payment for the building occupied by the Court of Appeals, Division I, in Seattle.

PL A1 Employee Salary Adjustment

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

State of Washington
Decision Package Revenue Detail

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Budget Period: 2015-17
Agency: 048 Court of Appeals
Version: B1 15-17 Biennial Budget Request
Package Program:
Budget Level: M1
Decision Package Code: 90
Decision Package Title: Maintenance Level Revenue

Last Updated: Oct 23 2014 10:29AM

Fiscal Year: 2016

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	384,000	384,000
Total	384,000	384,000

Fiscal Year: 2017

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	384,000	384,000
Total	384,000	384,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency	Court of Appeals
Decision Package Title	Reinstatement of Merit Increments
Budget Period	2015-2017 Biennial Budget
Budget Level	Maintenance Level

Agency Recommendation Summary Text

The Court of Appeals requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen in 2009 as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 310,000	\$ 310,000	\$ 620,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

In order to achieve reductions over the past six years, the Court of Appeals implemented austerity measures which included elimination of salary step increases for current employees.

There are approximately 140 employees in the three divisions of the Court of Appeals, including staff attorneys, judicial assistants, and court clerks. While exempt from RCW 43.88 an agreement has been reached whereby OFM has recognized that the Court of Appeals functions as three autonomous courts each with fewer than 100 FTEs and can therefore include the cost of salary increments in the maintenance level request. Employees who are at the top of their salary ranges are not eligible for further step increases. This request seeks to

provide step increases for those employees who are not yet at the top of their salary ranges and who are eligible for step increases, but who did not receive increases due to the budget reductions implemented by the Court of Appeals.

Allowing each of these eligible employees to receive a step increase on their next Periodic Increment Date (PID) would begin the process of bringing them to the salary they should be receiving based on their tenure in the job class.

Restoring step increases would assist in the retention of these skilled employees.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Court of Appeals staff salaries were frozen in 2009 to enable the Court to operate on a severely reduced budget. The affected employees have continued to carry out their duties despite the fact that they did not receive step increases as they were earned. Restoring the Court's ability to provide step increases to eligible employees will ensure that court personnel are effectively supported.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Court of Appeals staff cannot be expected to serve indefinitely without receiving the merit increments they have earned.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

It will be difficult to recruit and retain qualified employees if merit increments cannot be provided.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 310,000	\$ 310,000	\$ 620,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 310,000	\$ 310,000	\$ 620,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Step Increase as Authorized by the Legislature

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to implement the additional step increase approved by the legislature. Because of the budget constraints in recent years, there are no funds available to move eligible employees to Step M.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 1,000	\$ 1,000	\$ 2,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Although employees of the Court of Appeals are exempt from Civil Service regulations, the Court of Appeals has adopted a salary schedule that emulates the non-represented schedule used by the Executive Branch. However, during the 2009-2011 biennium, step increases for Court of Appeals employees were halted due to the lack of funding.

Now that an additional step has been added to by the legislature to the salary schedule, funding is requested to enable eligible judicial branch employees to move to Step M.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Long-term employees of the Court of Appeals are eligible for the increase to Step M as provided by the legislature. The Court of Appeals wishes to provide this increase for its employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Implementation of this increase has been delayed due to lack of funding.

Distinction between one-time and ongoing costs and budget impacts in future biennia

This request is ongoing in nature.

Effects of non-funding

Most eligible state employees have been given the Step M increase. Continued delay in implementation for Court of Appeals employees may make it more difficult to retain staff.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 1,000	\$ 1,000	\$ 2,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 1,000	\$ 1,000	\$ 2,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Division II Lease Increase

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

The monthly lease payment for the building occupied by the Court of Appeals, Division II, will increase on July 1, 2015. Funding is requested to cover the additional cost.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 106,000	\$ 106,000	\$ 212,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The lease for the building owned by the Department of Enterprise Services and occupied by the Court of Appeals, Division II, was renewed on June 30, 2010. Under the terms of the new lease, the monthly lease amount will increase on July 1, 2015. Funding is requested to pay the additional amount.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

None. This is a contractual obligation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

The Court of Appeals would be unable to meet its obligations.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 106,000	\$ 106,000	\$ 212,000
Total Objects	\$ 106,000	\$ 106,000	\$ 212,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Division I Lease Increase

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested for an increase in the monthly lease payment for the building occupied by the Court of Appeals, Division I, in Seattle.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$33,000	\$81,000	\$114,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The lease for the building occupied by Division I of the Court of Appeals includes an increase in the monthly amount effective September 1, 2015, as well as a provision for periodic increases tied to changes in the Consumer Price Index. Funding is requested to pay the additional amount.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

None. This is a contractual obligation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

The Court of Appeals would be unable to meet its obligations.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 33,000	\$ 81,000	\$ 114,000
Total Objects	\$ 33,000	\$ 81,000	\$ 114,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Court of Appeals have made staff salary increases impossible over the past several years. Staff salaries have not been compared to those of public and private employees in parallel positions for more than six years and staff have not received a cost of living increase since September 2007.

A compensation survey will be carried out to contrast judicial branch staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The Court of Appeals is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Court of Appeals requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the Court to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Staff salaries have been frozen for several years.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0