

## **Court Rules and Procedures Committee**

Meeting  
AGENDA

June 18, 2018  
9:30 a.m. – 12:00 p.m.

Conference Call: 1-866-577-9294, Code: 55419#

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### **Call to Order/ Preliminary Matters**

- Approval of Minutes:
  - March 19, 2018 (**pp. 1-2**)

### **Subcommittee Reports**

1. Criminal Rules (CrR)
  - Subcommittee Chair Ann Summers (**pp. 3-20**)
2. Criminal Rules for Court of Limited Jurisdiction (CrRLJ)
  - Subcommittee Chair Jefferson Coulter (**pp. 21-27**)
3. Subcommittee X
  - Subcommittee Chair Rike Connelly ( ***Supplemental Materials***)

### **Other Business/Good of the Order**

1. Ad hoc: EHB 1128 Civil Arbitration (**pp. 28-39**)

### **Adjourn**

*Next meeting is scheduled for July 9, 2018*



Meeting Minutes  
March 19, 2018

Members Present: Chair Shannon Kilpatrick, Cindy Alexander (by phone), Sara Beigh (by phone), Olga Blotnis (by phone), Claire Carden (by phone), Rike Connelly (by phone), Lisa Donaldson (by phone), Stephanie Dikeakos (by phone), Shelby Lemmel (by phone), Richard Greene, Geoffrey Grindeland, Karen Horowitz (by phone), John Ledford (by phone), Alison Markette (by phone), Tim Moran (by phone), Ann Summers (by phone), Judge Blaine Gibson, and Judge Kevin Korsmo.

Members Excused: Jody Cloutier, Jefferson Coulter, D. Jack Guthrie, Judith Lonquist, Ashton Rezayat, Elizabeth Rene, and Judge Rebecca Robertson.

Also Attending: Kevin Bank (WSBA Assistant General Counsel), Shannon Hinchcliffe (AOC Liaison) (by phone), Brian Tollefson (BOG Liaison) (by phone), Sherry Lindner (WSBA paralegal), and Kent Underwood.

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Chair Shannon Kilpatrick called the meeting to order at 9:30 a.m.

February 12, 2018, minutes were approved by consensus.

**Subcommittee Reports**

**Criminal Rules (CrR)**

Chair Ann Summers reported that the subcommittee is proposing to clarify amendments to CrR 1.3, CrR 3.4, and CrR 4.4 and will have redline versions ready for the May meeting. The Subcommittee is also working on CrR 8.2 and will have a proposal for the Committee at its next meeting.

**Criminal Rules for Limited Jurisdiction (CrRLJ)**

The subcommittee is coordinating with the Criminal Rules Subcommittee to work on similar rules. The subcommittee will continue to discuss the proposed rules and attempt to reach consensus before the April meeting. The subcommittee's goal is to distribute any proposed amendments to stakeholders by April.

**Subcommittee X**

Subcommittee Chair Rike Connelly reported that the subcommittee is working on CR 30 and will be updating the language of the rule to reflect the use of digital media to store video from depositions rather than the rule's reference to "video tape."

**General Update**

The Committee was reminded that the BOG materials deadline for submitting proposed amendments to the BOG is July 11, 2018. All proposals need to be ready for the Committee to vote on by the June 18 meeting, if possible. Subcommittees were encouraged to be thorough and err on the side of more engagement with stakeholders, rather less engagement just to meet the deadline.

There being no further business, the meeting was adjourned at 10:00 a.m.

DRAFT

## GR 9 COVER SHEET

### Suggested Amendment

## SUPERIOR COURT CRIMINAL RULES (CrR)

### Rule 1.3 EFFECT

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**A. Proponent:** Washington State Bar Association Rules Committee, CrR Subcommittee

**B. Spokespersons:** Ann Summers, Subcommittee Chair

**C. Purpose:**

The proposed amendment is intended to clarify the rule and be consistent with case law. The Criminal Rules were first enacted in 1973, and section (a) was designed to provide continuity in procedure for cases pending on the date the rules first became effective. As that is no longer a concern, the proposed amendment will clarify the rule and is consistent with case law that new criminal rules apply to pending cases, regardless of when the case began, unless the court finds the interest of justice would be served by adhering to the prior formulation. State v. Matlock, 27 Wn. App. 152, 157, 616 P.2d 684 (1980); State v. Olmos, 129 Wn. App. 750, 757, 120 P.3d 139 (2005).

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendment.

**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**Rule 1.3 EFFECT**

~~Except as otherwise provided elsewhere in these rules, o~~On their effective date:

~~—(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules and any constitutional right are not impaired by these rules.~~

~~—(b) T~~these rules ~~also~~ apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice ~~or because of infeasibility of application of the procedures of~~ these rules.

## GR 9 COVER SHEET

### Suggested Amendment

#### SUPERIOR COURT CRIMINAL RULES (CrR)

#### Rule 3.4 PRESENCE OF THE DEFENDANT

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**A. Proponent:** Washington State Bar Association Rules Committee, CrR Subcommittee

**B. Spokespersons:** Ann Summers, Subcommittee Chair

**C. Purpose:**

Subsection (b) amendment:

The rule currently allows a corporation in a criminal case to appear by its lawyer for all purposes. The proposed amendment expands the rule to all legal entities other than natural persons. RCW 9A.08.030 is the basis for corporate criminal liability and provides that “corporation” for purposes of the statute encompasses all joint stock associations.

Subsection (c) amendment:

This amendment is intended to clarify when bench warrants can issue post-sentencing. The subcommittee was concerned about the reported practice of issuing bench warrants for the failure to pay legal financial obligations. The current rule arguably does not explicitly allow for bench warrants to be issued for post-sentencing matters, because the definition of when the defendant’s presence is “necessary” under (a) does not include matters that occur after the imposition of sentence. This amendment is intended to clarify that courts should not issue bench warrant for failure to pay legal financial obligations until there has been a hearing in which the court has found a willful failure to pay. However, the amendment allows a bench warrant to issue for other types of post-sentencing hearings for which there has been an order to appear.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendment.

**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**Rule 3.4 PRESENCE OF THE DEFENDANT**

(a) [Unchanged]

(b) **Effect of Voluntary Absence.** The defendant's voluntary absence after the trial has commenced in his or her presence shall not prevent continuing the trial to and including the return of the verdict. A ~~corporation~~ legal entity other than a natural person may appear by its lawyer for all purposes. In prosecutions for offenses punishable by fine only, the court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence.

(c) **Defendant not present.** If ~~a~~ in any case the defendant is not present when the defendant's personal attendance is necessary as provided in subsection (a), or post-sentencing in response to service of an order to appear or show cause, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases. However, no warrant shall issue for failure to pay legal financial obligations unless, after a hearing on the record, the court finds the failure to pay is willful.

(d) –(e) [Unchanged]

## GR 9 COVER SHEET

### Suggested Amendment

#### SUPERIOR COURT CRIMINAL RULES (CrR)

#### Rule 4.4 SEVERANCE OF OFFENSES AND DEFENDANTS

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**A. Proponent:** Washington State Bar Association Rules Committee, CrR Subcommittee

**B. Spokespersons:** Ann Summers, Subcommittee Chair

**C. Purpose:**

As currently written, the reference to “other than under section (a)” in subsection (b) makes little sense. Since subsection (a) provides a time limitation on defense motions to sever offenses or defendants, the proposed amendment reinforces that defense motions must be timely pursuant to section (a).

In subsection (c)(2), the reference to subsection (i) is confusing since there are two subsections (i) in the rule. Specific reference to (c)(1) clarifies that a defense motion to sever defendants will not be granted under (c)(2) on the basis of out-of-court statements of a co-defendant where it does not meet the requirements of (c)(1).

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendment.

**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**Rule 4.4 SEVERANCE OF OFFENSES AND DEFENDANTS**

**(a) Timeliness of Motion--Waiver.**

(1) A defendant's motion for severance of offenses or defendants must be made before trial, except that a motion for severance may be made before or at the close of all the evidence if the interests of justice require. Severance is waived if the motion is not made at the appropriate time.

(2) If a defendant's pretrial motion for severance was overruled he may renew the motion on the same ground before or at the close of all the evidence. Severance is waived by failure to renew the motion.

**(b) Severance of Offenses.** The court, on application of the prosecuting attorney, or on timely application of the defendant pursuant to ~~other than under~~ section (a), shall grant a severance of offenses whenever before trial or during trial with consent of the defendant, the court determines that severance will promote a fair determination of the defendant's guilt or innocence of each offense.

**(c) Severance of Defendants.**

(1) A defendant's motion for severance on the ground that an out-of-court statement of a codefendant referring to him is inadmissible against him shall be granted unless:

- (i) the prosecuting attorney elects not to offer the statement in the case in chief; or
- (ii) deletion of all references to the moving defendant will eliminate any prejudice to him from the admission of the statement.

(2) The court, on application of the prosecuting attorney, or on application of the defendant other than under subsection (c)(1)(i), should grant a severance of defendants whenever:

(i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a defendant; or

(ii) if during trial upon consent of the severed defendant, it is deemed necessary to achieve a fair determination of the guilt or innocence of a defendant.

(3) When such information would assist the court in ruling on a motion for severance of defendants, the court may order the prosecuting attorney to disclose any statements made by the defendants which he intends to introduce in evidence at the trial.

(4) The assignment of a separate cause number to each defendant of those named on a single charging document is not considered a severance. Should a defendant desire that the case be severed, the defendant must move for severance.

**(d) –(e)** [Unchanged]

## GR 9 COVER SHEET

### Suggested Amendment

## SUPERIOR COURT CRIMINAL RULES (CrR)

### Rule 8.2 MOTIONS

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**A. Proponent:** Washington State Bar Association Rules Committee, CrR Subcommittee

**B. Spokespersons:** Ann Summers, Subcommittee Chair

**C. Purpose:**

There is currently a conflict in the case law as to whether the criminal rules allow a motion for reconsideration. State v. Batsell, 198 Wn. App. 1066, unpublished (issued May 2, 2017), illustrates that there is some confusion as to whether a motion for reconsideration is allowed under the criminal rules. The Batsell court noted that State v. Gonzalez, 110 Wn.2d 738, 744, 757 P.2d 925 (1988), noted that civil rules are instructive as to matters of procedure on which the criminal rules are silent. However, State v. Keller, 32 Wn. App. 135, 647 P.2d 35 (1982), held that CR 59 did not apply in criminal cases. In contrast, as the Batsell court noted, “at least two reported decisions in criminal appeals have involved motions for reconsideration without questioning CR 59’s application in criminal cases.” (citing State v. Englund, 186 Wn. App. 444, 459, 345 P.3d 859, review denied, 183 Wn.2d 1011, 352 P.3d 188 (2015); State v. Chaussee, 77 Wn. App. 803, 806–07, 895 P.2d 414 (1995)).

This confusion results in inconsistency across courts. It also presents a problem when a party in a criminal case wishes to move for discretionary review, as the time for filing a notice of discretionary review runs from the entry of an order deciding a timely motion for reconsideration pursuant to RAP 5.2(b).

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendment.

**SUPERIOR COURT CRIMINAL RULES (CrR)**  
**Rule 8.2 MOTIONS**

Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for reconsideration shall be filed not later than 10 days after the entry of the order or other decision.

**GR 9 COVER SHEET**

**Suggested Amendment**

**RULES OF APPELLATE PROCEDURE (RAP)**

**Rule 5.2      TIME ALLOWED TO FILE NOTICE**

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**A. Proponent:** Washington State Bar Association Rules Committee, CrR Subcommittee

**B. Spokespersons:** Ann Summers, Subcommittee Chair

**C. Purpose:**

The purpose of this change is to give effect to a change in CrR 8.2 specifically allowing motions for reconsideration.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is not requested.

**F. Supporting Material:** Suggested rule amendment.

**RULES OF APPELLATE PROCEDURE (RAP)**  
**Rule 5.2 TIME ALLOWED TO FILE NOTICE**

(a) [Unchanged]

(b) **Notice for Discretionary Review.** Except as provided in rules 3.2(e) and 5.2(d) and (f), a notice for discretionary review must be filed in the trial court within the longer of (1) 30 days after the act of the trial court that the party filing the notice wants reviewed or (2) 30 days after entry of an order deciding a timely motion for reconsideration of that act ~~under CR-59~~.

(c) – (g) [Unchanged]



## **Court Rules and Procedures Committee CrR Subcommittee Report May 29, 2018**

Below is a summary of the feedback received from stakeholders regarding the subcommittee's proposed changes to CrR 1.3, 3.4, 4.4, 8.2 and RAP 5.2.

### **CrR 1.3 - Effect      Change intended to simplify the rule and be consistent with case law.**

No feedback.

### **CrR 3.4 - Presence of the Defendant**

#### **(b)                      Change expands legal entities.**

No feedback.

#### **(c)                      Change intended to clarify when bench warrants can issue post-sentencing.**

Council on Public Defense – No specific changes or objections stated.

Washington State Association of County Clerks - WSACC is concerned about preserving the ability to issue bench warrants from hearings to determine whether failure to pay is willful.

### **CrR 4.4 - Severance of Offenses and Defendants Change intended to fix cross references are were illogical.**

Washington Defender Agency – WDA feels that the timely requirement should apply to both prosecution and defense.

Chris Van Vechten - Believes timely has no meaning.

**CrR 8.2 - Motions [New Rule]. Change intended to resolve conflict among cases whether a motion for reconsideration can be brought in a criminal case, and to provide a time for moving for reconsideration.**

Washington Defender Agency – WDA wants to add good cause language for motions that must be renewed such as bail, severance and discovery motions.

Chris Van Vechten - 10-day window is not sufficient in some counties.

Michael Schueler - Good cause to allow more than 10 days needed.

**RAP 5.2 Change gives effect to CrR 8.2 and sets forth the time allowed to file a notice of discretionary review when a timely motion for reconsideration has been filed under either the CR or CrR.**

No feedback.

**WASHINGTON STATE  
BAR ASSOCIATION**

April 9, 2018

**Ann Summers, Chair**

**Criminal Rules Subcommittee**

**WSBA Court Rules and Procedures Committee**

Sent via email to [Ann.Summers@kingcounty.gov](mailto:Ann.Summers@kingcounty.gov)

Dear Ms. Summers,

The Council on Public Defense (CPD) appreciates the revisions your committee made to proposed changes to Criminal Rule (CrR) 3.4 in response to comments from the CPD and the Washington Association of County Clerks. Rather than attempting to “wordsmith” by committee (or in this case Council) the CPD will simply iterate the points on which I think everyone agrees: Courts have authority to issue bench warrants post-sentencing; warrants may not issue on a showing, without more, that a defendant has not paid some or all of a Legal Financial Obligation (LFO); and if appropriate notice is given and a defendant does not appear for a hearing a court may issue a warrant upon the defendant’s failure to appear. A Rule requiring these points, however phrased, we believe is appropriate and necessary.

If the full Rules Committee seeks further comments, or the Washington Supreme Court publishes the proposed changes the CPD may comment further. Please let me know if you would like any more information about the CPD’s discussions. Thank you for the opportunity to provide input.

Very truly yours

Eileen Farley, Chair

Ben Carr, Member

**Council on Public Defense**



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539  
800-945-9722 | 206-443-9722 | [questions@wsba.org](mailto:questions@wsba.org) | [www.wsba.org](http://www.wsba.org)

## Summers, Ann

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**From:** Mike Killian <mkillian@co.franklin.wa.us>  
**Sent:** Wednesday, February 21, 2018 9:09 AM  
**To:** Summers, Ann  
**Subject:** FW: WSACC'S PROPOSAL TO CrR 3.4(c)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Ann:

Below is the Washington State Association of County Clerks suggested proposal to CrR 3.4(c) of the original proposal made by the WSBA rules subcommittee.

*“(c) Defendant not present. If in any case the defendant is not present when the defendant’s personal attendance is necessary, the court may order the clerk to issue a bench warrant for the defendant’s arrest, which may be served as a warrant of arrest in other cases. However, no bench warrants shall issue for mere failure to pay legal financial obligations.” For the violation of failure to pay legal financial obligations, the court must first set a hearing to discover whether the failure is willful. The defendant’s presence is necessary. If the defendant does not appear at the hearing, the court may issue a failure to appear warrant.*

Please let me know if you have any questions,

Best regards,

Mike

Michael J. Killian  
County Clerk and  
Clerk of the Superior Court  
1016 N 4th Avenue, B306  
Pasco, WA 99301  
(509) 546-3365  
[www.co.franklin.wa.us/clerk](http://www.co.franklin.wa.us/clerk)

May 23, 2018

WSBA Rules Committee  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

RE: Proposed amendments to CrR 4.4 – Severance of Offenses and Defendants and CrR 8.2 Motions

Dear WSBA Rules Committee:

The Washington Defender Association (WDA) is writing to express our concerns with several of the proposed amendments under consideration by the WSBA Rules Committee. Specifically:

- **CrR 4.4 – Severance of Offenses and Defendants.** We strongly believe the “timely” requirement under 4.4(b) should be applied to all parties not just the defense. We would suggest the language be amended to say, “The court, on *timely* application of the prosecuting attorney or on *timely* application of the defendant...”
- **CrR 8.2 – Motions.** We have serious concerns with the proposed change as it fails to address the defense’s obligation to perfect the record and to provide effective assistance of counsel. There are a number of motions that the defense must bring on a repeated basis to preserve their clients’ rights on appeal or to address changing circumstances, such as CrR3.2(k) - Bail, CrR 4.4 - Severance and CrR 4.7(h)(2) - Continuing Duty To Disclose. To address these concerns, we would suggest the language be amended to say:

Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for reconsideration shall be filed not later than 10 days after the entry of the order or other decision unless the court finds good cause to extend the time frame.

In addition we would note that if the rule is to be amended in Superior Court, it also should be amended in the District Court rule.

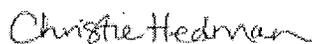
No concerns were identified with the other proposed changes to CrR 1.3, CrR 3.4 and RAP 5.2.

Thank you for your consideration. Please let us know if you have any questions or if we can provide further information.

Sincerely,



Harry Gasnick  
Chair, WDA Court Rules Committee



Christie Hedman  
Executive Director

**From:** [Chris Van Vechten](#)  
**To:** [WSBA CourtRules](#)  
**Subject:** Proposed Rule Changes  
**Date:** Monday, April 02, 2018 6:29:13 PM

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Greetings,

I wanted to voice some thoughts on the proposed changes to various rules of procedure.

It is proposed that **CrR 4.4(b)** include the phrase "timely" in front of the word "application" in reference to a motion to sever brought by the Defense. The word does not appear to have any meaning, however, since subsequent and previous rules emphasize that what justice demands will control.

It is proposed that **CrR 8.2** include a 10 day window to file motions for reconsideration. I do not know what prompted this suggestion - but I would prefer to give courts and the respective parties flexibility to prevent injustices. Evidence does not accumulate in every county at the same pace. Last year I lost a 3.6 motion partially because it was the officer's word against my client in Pierce County Superior Court. 2 months later, the Prosecutor sent me a Brady Affidavit informing me that one of the officers that testified against my client in the suppression motion had been disciplined several years prior for - among other things - falsifying evidence. This would warrant reconsideration, but under the proposed language of the new rule, I do not know how we would get it. Pierce County is notoriously slow at delivering evidence to defense counsel, and given that it is a leading forum in terms of sheer volume of criminal defendants, I would be very concerned about the nature of the practice in Pierce County subsequent.

Best

--

**Chris Van Vechten**  
Attorney at Law  
The Law Office of Chris Van Vechten  
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**From:** [Schueler, Michael](#)  
**To:** [WSBA CourtRules](#)  
**Subject:** Feedback on proposed changes to CrR 8.2  
**Date:** Tuesday, April 03, 2018 5:29:22 PM

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To whom it may concern:

For the sake of efficiency and clarity, I would ask the rules committee to note whether the 10 day requirement is 10 court days or 10 actual days. This would create a more uniform practice across the various courts.

Further, I believe this rule should also indicate that the court, in its discretion, may extend the time to file a motion for reconsideration. Sometimes issues prevent a motion from being noted within a timely manner, and it would seem that fundamental fairness would allow a court to grant leave of this 10 day requirement. Explicitly stating that would again provide clarity and uniformity in application.

**Michael A. Schueler**  
Attorney at Law  
Associated Counsel for the Accused Division  
King County Department of Public Defense  
420 West Harrison Street, Suite 201  
Kent, WA 98032  
Phone: 206.477.7893  
Fax: 253.520.6635  
[Michael.Schueler@kingcounty.gov](mailto:Michael.Schueler@kingcounty.gov)  
[Department of Public Defense](#)

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**SUGGESTED AMENDMENT**  
**CRIMINAL RULES FOR COURTS OF LIMITED**  
**JURISDICTION (CrRLJ)**

**CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION**

1 (a)-(f) [unchanged]

2 (g) **Written Statement.** A written statement of the defendant in substantially the form  
3 set forth below shall be filed on a plea of guilty:

4 1-5 [unchanged]

5 6. *In Considering the Consequence of My Guilty Plea, I understand That:*

6 (a)-(u) [unchanged]

7 [ ](v) If this case involves a conviction for operating a vehicle without an  
8 ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any  
9 sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055.  
10 RCW ~~456.20.740(3)~~ 46.20.740(3).

11 [ ](w) If this case involves a conviction for tampering with or  
12 circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run  
13 consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~  
14 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

15 (x)-(z) [unchanged]

**SUGGESTED AMENDMENT**

**CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ)**

**CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS**

1 (a)-(b) [unchanged]

2 (c) **Severance of Defendants.**

3 (1) [unchanged]

4 (2) The court, on application of the prosecuting authority, or on the application of the  
5 defendant other than under ~~subsection (i)~~ subsection (c)(1), should grant a severance of  
6 defendants whenever:  
7

8 (i)-(ii) [unchanged]

9 (3) [unchanged]

**SUGGESTED AMENDMENT**  
**CRIMINAL RULES FOR COURTS OF LIMITED**  
**JURISDICTION (CrRLJ)**

**CrRLJ 7.3 – JUDGEMENT**

1 [unchanged]

2 (a)-(b) [unchanged]

3 (c) ~~Citation~~ Citation to the statute or ordinance, including subsections, ~~under~~ under  
4 which the defendant was sentenced;

5 (d) ~~Identification of any charge to which the defendant pled guilty or was~~  
6 ~~found guilty that is a crime of domestic violence under state law~~ Identification of any charge  
7 to which the defendant pled guilty or was found guilty that is a crime of domestic violence under  
8 state law;

9  
10 (e)-(l) [unchanged]

**From:** [Espinoza, Jesse](#)  
**To:** [Sherry Lindner](#); [Pam Loginsky](#); [Bartlett, Aaron](#); [Miller, Andy](#); [O'Brien, Brian](#); [McEachran, David](#); [Wise, Donna](#); [Pedersen, Erik](#); [Jenny, Frank](#); [Verhoef, Gretchen](#); [Thomas, Hilary](#); [Joseph, Jennifer](#); [Whisman, Jim](#); [Jackson, Joe](#); [Cross, John](#); [Webber, Kathy](#); [Ramm, Ken](#); [McCrae, Kevin](#); [Thulin, Kimberly](#); [Proctor, Kit](#); [Steinmetz, Larry](#); [Hyer, Michelle](#); [Weisser, Paul](#); [Rogers, Rachael](#); [Sutton, Randy](#); [Valaas, Ryan](#); [Beigh, Sara](#); [Fine, Seth](#); [Hanlon, Tamara](#); [Chen, Teresa](#); [Higgs, Tim](#); [James, Salina](#); [McBride, Tom](#); [Clark, Andrew](#); [Santos, Ben](#); [Wevodau, Cailen](#); [Weaver, Carla](#); [Nohavec, Erika](#); [Couper, Fiona](#); [Zaug, Justin](#); [Newberg, Matthew](#); [Sterett, Rachel](#); [Penner, Stephen](#); [Haslett, Amber](#)  
**Subject:** RE: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)  
**Date:** Wednesday, May 16, 2018 10:14:11 AM  
**Attachments:** [image001.png](#)  
[Comment on SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION.docx](#)

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Hello Sherry,

I attached a comment on the suggested amendment for CrRLJ 4.2. There were just a couple more typos in the hard copy of the rules that need to be corrected. I used track changes to point them out.

Thanks,  
Jesse

Jesse Espinoza  
Clallam County Deputy Prosecuting Attorney  
223 East 4th Street, Suite 11  
Port Angeles, WA 98362  
Phone: (360) 417-2527  
Fax: (360) 417-2469  
E-mail: [jespinoza@co.clallam.wa.us](mailto:jespinoza@co.clallam.wa.us)

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**From:** Pam Loginsky [mailto:[Pamloginsky@waprosecutors.org](mailto:Pamloginsky@waprosecutors.org)]  
**Sent:** Wednesday, May 16, 2018 8:55 AM  
**To:** [Bartlett, Aaron](#); [Miller, Andy](#); [O'Brien, Brian](#); [McEachran, David](#); [Wise, Donna](#); [Pedersen, Erik](#); [Jenny, Frank](#); [Verhoef, Gretchen](#); [Thomas, Hilary](#); [Joseph, Jennifer](#); [Espinoza, Jesse](#); [Whisman, Jim](#); [Jackson, Joe](#); [Cross, John](#); [Webber, Kathy](#); [Ramm, Ken](#); [McCrae, Kevin](#); [Thulin, Kimberly](#); [Proctor, Kit](#); [Steinmetz, Larry](#); [Hyer, Michelle](#); [Weisser, Paul](#); [Rogers, Rachael](#); [Sutton, Randy](#); [Valaas, Ryan](#); [Beigh, Sara](#); [Fine, Seth](#); [Hanlon, Tamara](#); [Chen, Teresa](#); [Higgs, Tim](#); [Loginsky, Pam](#); [James, Salina](#); [McBride, Tom](#); [Clark, Andrew](#); [Santos, Ben](#); [Wevodau, Cailen](#); [Weaver, Carla](#); [Nohavec, Erika](#); [Couper, Fiona](#); [Zaug, Justin](#); [Newberg, Matthew](#); [Sterett, Rachel](#); [Penner, Stephen](#); [Haslett, Amber](#)  
**Subject:** Fwd: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)

Please consider sending in comments.

Pam

>>> Sherry Lindner <[sherryl@wsba.org](mailto:sherryl@wsba.org)> 5/7/2018 2:46 PM >>>

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Criminal Rules for Courts of Limited Jurisdiction “CrRLJ” CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3. The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Please find attached materials submitted by Jefferson Coulter.

**Please submit your feedback/comments to [WSBACourtRules@wsba.org](mailto:WSBACourtRules@wsba.org) by **June 8, 2018.****

Thank you,



**Sherry Lindner | Paralegal | Office of General Counsel**

**Washington State Bar Association** | T 206-733-5941 | F 206-727-8314 | [sherryl@wsba.org](mailto:sherryl@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact [julies@wsba.org](mailto:julies@wsba.org).

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## SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ) CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

The errors below appear in the book but not the online version of the court rules attachment for CrRLJ 4.2

- [ ] (v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055. RCW ~~456.20.740(3)~~ 46.20.740(3).
  
- [ ] (w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~ 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

**From:** [Christie Hedman](#)  
**To:** [WSBA CourtRules](#)  
**Cc:** [Harry Gasnick](#)  
**Subject:** Support for Technical Amendments to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3  
**Date:** Tuesday, May 22, 2018 4:30:59 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Dear Mr. Coulter,

The Washington Defender Association's Court Rules Committee has reviewed the draft proposals to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3 and are supportive of the proposed changes.

Please let me know if there is any further information we may be able to provide.

**Christie Hedman**  
Executive Director  
*she/her/hers*  
Tel: 206.623.4321 | Fax: 206.623.5420  
[hedman@defense.net.org](mailto:hedman@defense.net)



The Supreme Court  
State of Washington

CHARLES W. JOHNSON  
JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2020  
FACSIMILE (360) 357-2103  
E-MAIL J\_C.JOHNSON@COURTS.WA.GOV

May 23, 2018

MAY 29 2018

Ms. Paula Littlewood  
Executive Director  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

Dear Ms. Littlewood:

Recently, the legislature enacted EHB 1128—Civil Arbitration, which is effective September 1, 2018. This law will affect the current statewide Mandatory Arbitration Rules (MARs). The Supreme Court Rules Committee has reviewed this legislation and has determined that it would benefit from a review by the Washington State Bar Association's Court Rules and Procedures Committee.

The Supreme Court Rules Committee recognizes that this law will become effective before the Court Rules and Procedures Committee is regularly scheduled to review the MARs. The Rules Committee would appreciate any review and feedback that can be provided as soon as practicable so the court can consider it and take any necessary action by the September 1, 2018 effective date.

Very truly yours,

Charles W. Johnson, Chair  
Supreme Court Rules Committee

cc: Mr. Kevin Bank, WSBA Assistant General Counsel  
Ms. Shannon Kilpatrick, WSBA Court Rules and Procedures Committee Chair

# FINAL BILL REPORT

## EHB 1128

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C 36 L 18  
Synopsis as Enacted

**Brief Description:** Concerning civil arbitration.

**Sponsors:** Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler.

**House Committee on Judiciary**  
**House Committee on Appropriations**  
**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**

### **Background:**

Arbitration is a form of alternative dispute resolution where a neutral third party is selected to hear both sides of the case and then render a specific decision or award.

### Authorization.

Mandatory arbitration is required for certain civil actions in counties with a population of more than 100,000. In counties with a population of 100,000 or less, the county legislative authority may authorize mandatory arbitration, or the superior court of the county may authorize it with a majority vote of the county's superior court judges.

### Actions Subject to Mandatory Arbitration.

Mandatory arbitration applies to all superior court civil actions where the sole relief requested does not exceed \$15,000, or if approved by a two-thirds vote of the superior court judges, up to \$50,000. In addition, a majority of the superior court judges may vote to use mandatory arbitration in child support and maintenance cases.

### Arbitrator Qualifications.

An arbitrator must be a member of the Washington State Bar Association (WSBA) who has been admitted to practice for a minimum of five years or who is a retired judge. The parties to an arbitration may stipulate to an arbitrator who is not a lawyer.

### Mandatory Arbitration Rules.

The Washington Supreme Court is required to adopt rules establishing procedures to implement mandatory arbitration. These procedural rules are known as the Superior Court

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Mandatory Arbitration Rules (MAR). Under the MAR, the arbitrator must set the time, date, and place of the hearing and give reasonable notice of the hearing date to the parties. The hearing must be scheduled no sooner than 21 days, nor later than 63 days, from the date of the assignment of the case to the arbitrator, except by stipulation or for good cause. With respect to discovery, the court rules provide that a party may demand a specification of damages, request a physical or mental examination of a party, request admissions from a party, and take the deposition of another party, unless otherwise ordered by the arbitrator. Additional discovery is not allowed unless stipulated to by the parties or ordered by the arbitrator when reasonably necessary.

#### Decision, Award, and Appeals.

An award by an arbitrator may be appealed to the superior court. The superior court will hear the appeal "de novo," which means that the court will conduct a trial on all issues of fact and law as if the arbitration had not occurred.

#### Filing Fees.

The fee for filing a request for mandatory arbitration is set by authority of local ordinance and may not exceed \$220. This fee must be used solely to offset the cost of the mandatory arbitration program. The fee for filing a request for a trial de novo of an arbitration award is set by authority of local ordinance and may not exceed \$250.

#### **Summary:**

All references to the word "mandatory" are removed from the mandatory arbitration laws. In some instances, "mandatory arbitration" is replaced with "civil arbitration."

#### Actions Subject to Civil Arbitration.

Superior court judges may require civil arbitration for civil actions with amounts at issue of up to \$100,000, increased from a former maximum of \$50,000, if approved by a two-thirds vote of the superior court judges.

#### Civil Arbitration Rules.

The arbitrator must set the time, date, and place of the hearing and give reasonable notice of the hearing date to the parties. The hearing must be scheduled no sooner than 21 days, nor later than 75 days, from the date of assignment of the case to the arbitrator, except by stipulation or for good cause. With respect to discovery, a party may request a physical or mental examination of a party, request admissions from a party, and take the deposition of another party, unless otherwise ordered by the arbitrator. Additional discovery is not allowed unless stipulated to by the parties or ordered by the arbitrator when reasonably necessary.

#### Arbitrator Qualifications.

A person may not serve as an arbitrator unless the person has completed a minimum of three continuing legal education (CLE) credits approved by the Washington State Bar Association on the professional and ethical considerations for serving as an arbitrator. A person serving as an arbitrator must file a declaration or affidavit stating or certifying to the appointing court that the person is in compliance with the CLE credit requirement. The superior court judge or judges in any county may choose to waive the CLE credit requirement for arbitrators who have acted as an arbitrator five or more times previously.

Decision, Award, and Appeals.

A written notice of appeal of a civil arbitration must be signed by the aggrieved party.

Filing Fees.

The maximum filing fee for a request for civil arbitration is raised from \$220 to \$250, as established by authority of local ordinance. Of this fee, \$220 shall be used to offset the cost of the civil arbitration program, and \$30 of each fee must be used for indigent defense services. The maximum filing fee for a request for trial de novo of a civil arbitration award is raised from \$250 to \$400, as established by authority of local ordinance.

**Votes on Final Passage:**

House	71	25
House	77	19
Senate	41	8

**Effective:** September 1, 2018

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1128**

65th Legislature  
2018 Regular Session

Passed by the House January 18, 2018  
Yeas 77 Nays 19

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**Speaker of the House of Representatives**

Passed by the Senate February 28, 2018  
Yeas 41 Nays 8

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1128** as passed by House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1128

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Passed Legislature - 2018 Regular Session

State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Shea, Jenkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby, and Haler

Read first time 01/12/17. Referred to Committee on Judiciary.

1            AN ACT Relating to civil arbitration; amending RCW 7.06.010,  
2 7.06.020, 7.06.040, 7.06.050, and 36.18.016; adding new sections to  
3 chapter 7.06 RCW; creating a new section; and providing an effective  
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 7.06.010 and 2005 c 472 s 1 are each amended to read  
7 as follows:

8            In counties with a population of more than one hundred thousand,  
9 (~~mandatory~~) arbitration of civil actions under this chapter shall  
10 be required. In counties with a population of one hundred thousand or  
11 less, the superior court of the county, by majority vote of the  
12 judges thereof, or the county legislative authority may authorize  
13 (~~mandatory~~) arbitration of civil actions under this chapter.

14            **Sec. 2.** RCW 7.06.020 and 2005 c 472 s 2 are each amended to read  
15 as follows:

16            (1) All civil actions, except for appeals from municipal or  
17 district courts, which are at issue in the superior court in counties  
18 which have authorized arbitration, where the sole relief sought is a  
19 money judgment, and where no party asserts a claim in excess of  
20 fifteen thousand dollars, or if approved by the superior court of a

1 county by two-thirds or greater vote of the judges thereof, up to  
2 ((fifty)) one-hundred thousand dollars, exclusive of interest and  
3 costs, are subject to ((mandatory)) civil arbitration.

4 (2) If approved by majority vote of the superior court judges of  
5 a county which has authorized arbitration, all civil actions which  
6 are at issue in the superior court in which the sole relief sought is  
7 the establishment, termination, or modification of maintenance or  
8 child support payments are subject to mandatory arbitration. The  
9 arbitrability of any such action shall not be affected by the amount  
10 or number of payments involved.

11 NEW SECTION. Sec. 3. A new section is added to chapter 7.06 RCW  
12 to read as follows:

13 The arbitrator shall set the time, date, and place of the hearing  
14 and shall give reasonable notice of the hearing date to the parties.  
15 Except by stipulation or for good cause shown, the hearing shall be  
16 scheduled to take place not sooner than twenty-one days, nor later  
17 than seventy-five days, from the date of the assignment of the case  
18 to the arbitrator. The hearing shall take place in appropriate  
19 facilities provided or authorized by the court.

20 NEW SECTION. Sec. 4. A new section is added to chapter 7.06 RCW  
21 to read as follows:

22 After the assignment of a case to the arbitrator, a party may  
23 conduct discovery as follows: (1) Request from the arbitrator an  
24 examination under CR 35; (2) request admissions from a party under CR  
25 36; and (3) take the deposition of another party. A party may request  
26 additional discovery from the arbitrator, including interrogatories,  
27 and the arbitrator will allow additional discovery only as reasonably  
28 necessary.

29 **Sec. 5.** RCW 7.06.040 and 1987 c 212 s 102 are each amended to  
30 read as follows:

31 (1) The appointment of arbitrators shall be prescribed by rules  
32 adopted by the supreme court. An arbitrator must be a member of the  
33 state bar association who has been admitted to the bar for a minimum  
34 of five years or who is a retired judge.

35 (2)(a) A person may not serve as an arbitrator unless the person  
36 has completed a minimum of three credits of Washington state bar  
37 association approved continuing legal education credits on the

1 professional and ethical consideration for serving as an arbitrator.  
2 A person serving as an arbitrator must file a declaration or  
3 affidavit stating or certifying to the appointing court that the  
4 person is in compliance with this section.

5 (b) The superior court judge or judges in any county may choose  
6 to waive the requirements of this subsection (2) for arbitrators who  
7 have acted as an arbitrator five or more times previously.

8 (3) The parties may stipulate to a nonlawyer arbitrator. The  
9 supreme court may prescribe by rule additional qualifications of  
10 arbitrators.

11 (4) Arbitrators shall be compensated in the same amount and  
12 manner as judges pro tempore of the superior court.

13 **Sec. 6.** RCW 7.06.050 and 2011 c 336 s 164 are each amended to  
14 read as follows:

15 (1) Following a hearing as prescribed by court rule, the  
16 arbitrator shall file his or her decision and award with the clerk of  
17 the superior court, together with proof of service thereof on the  
18 parties. Within twenty days after such filing, any aggrieved party  
19 may file with the clerk a written notice of appeal and request for a  
20 trial de novo in the superior court on all issues of law and fact.  
21 The notice must be signed by the party. Such trial de novo shall  
22 thereupon be held, including a right to jury, if demanded.

23 (a) Up to thirty days prior to the actual date of a trial de  
24 novo, a nonappealing party may serve upon the appealing party a  
25 written offer of compromise.

26 (b) In any case in which an offer of compromise is not accepted  
27 by the appealing party within ten calendar days after service  
28 thereof, for purposes of MAR 7.3, the amount of the offer of  
29 compromise shall replace the amount of the arbitrator's award for  
30 determining whether the party appealing the arbitrator's award has  
31 failed to improve that party's position on the trial de novo.

32 (c) A postarbitration offer of compromise shall not be filed or  
33 communicated to the court or the trier of fact until after judgment  
34 on the trial de novo, at which time a copy of the offer of compromise  
35 shall be filed for purposes of determining whether the party who  
36 appealed the arbitrator's award has failed to improve that party's  
37 position on the trial de novo, pursuant to MAR 7.3.

38 (2) If no appeal has been filed at the expiration of twenty days  
39 following filing of the arbitrator's decision and award, a judgment

1 shall be entered and may be presented to the court by any party, on  
2 notice, which judgment when entered shall have the same force and  
3 effect as judgments in civil actions.

4 **Sec. 7.** RCW 36.18.016 and 2016 c 74 s 4 are each amended to read  
5 as follows:

6 (1) Revenue collected under this section is not subject to  
7 division under RCW 36.18.025 or 27.24.070.

8 (2)(a) For the filing of a petition for modification of a decree  
9 of dissolution or paternity, within the same case as the original  
10 action, and any party filing a counterclaim, cross-claim, or third-  
11 party claim in any such action, a fee of thirty-six dollars must be  
12 paid.

13 (b) The party filing the first or initial petition for  
14 dissolution, legal separation, or declaration concerning the validity  
15 of marriage shall pay, at the time and in addition to the filing fee  
16 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk  
17 of the superior court shall transmit monthly forty-eight dollars of  
18 the fifty-four dollar fee collected under this subsection to the  
19 state treasury for deposit in the domestic violence prevention  
20 account. The remaining six dollars shall be retained by the county  
21 for the purpose of supporting community-based domestic violence  
22 services within the county, except for five percent of the six  
23 dollars, which may be retained by the court for administrative  
24 purposes. On or before December 15th of each year, the county shall  
25 report to the department of social and health services revenues  
26 associated with this section and community-based domestic violence  
27 services expenditures. The department of social and health services  
28 shall develop a reporting form to be utilized by counties for uniform  
29 reporting purposes.

30 (3)(a) The party making a demand for a jury of six in a civil  
31 action shall pay, at the time, a fee of one hundred twenty-five  
32 dollars; if the demand is for a jury of twelve, a fee of two hundred  
33 fifty dollars. If, after the party demands a jury of six and pays the  
34 required fee, any other party to the action requests a jury of  
35 twelve, an additional one hundred twenty-five dollar fee will be  
36 required of the party demanding the increased number of jurors.

37 (b) Upon conviction in criminal cases a jury demand charge of one  
38 hundred twenty-five dollars for a jury of six, or two hundred fifty

1 dollars for a jury of twelve may be imposed as costs under RCW  
2 10.46.190.

3 (4) For preparing a certified copy of an instrument on file or of  
4 record in the clerk's office, for the first page or portion of the  
5 first page, a fee of five dollars, and for each additional page or  
6 portion of a page, a fee of one dollar must be charged. For  
7 authenticating or exemplifying an instrument, a fee of two dollars  
8 for each additional seal affixed must be charged. For preparing a  
9 copy of an instrument on file or of record in the clerk's office  
10 without a seal, a fee of fifty cents per page must be charged. When  
11 copying a document without a seal or file that is in an electronic  
12 format, a fee of twenty-five cents per page must be charged. For  
13 copies made on a compact disc, an additional fee of twenty dollars  
14 for each compact disc must be charged.

15 (5) For executing a certificate, with or without a seal, a fee of  
16 two dollars must be charged.

17 (6) For a garnishee defendant named in an affidavit for  
18 garnishment and for a writ of attachment, a fee of twenty dollars  
19 must be charged.

20 (7) For filing a supplemental proceeding, a fee of twenty dollars  
21 must be charged.

22 (8) For approving a bond, including justification on the bond, in  
23 other than civil actions and probate proceedings, a fee of two  
24 dollars must be charged.

25 (9) For the issuance of a certificate of qualification and a  
26 certified copy of letters of administration, letters testamentary, or  
27 letters of guardianship, there must be a fee of five dollars.

28 (10) For the preparation of a passport application, the clerk may  
29 collect an execution fee as authorized by the federal government.

30 (11) For clerk's services such as performing historical searches,  
31 compiling statistical reports, and conducting exceptional record  
32 searches, the clerk may collect a fee not to exceed thirty dollars  
33 per hour.

34 (12) For processing ex parte orders, the clerk may collect a fee  
35 of thirty dollars.

36 (13) For duplicated recordings of court's proceedings there must  
37 be a fee of ten dollars for each audiotape and twenty-five dollars  
38 for each video or other electronic storage medium.

39 (14) For registration of land titles, Torrens Act, under RCW  
40 65.12.780, a fee of twenty dollars must be charged.

1 (15) For the issuance of extension of judgment under RCW 6.17.020  
2 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
3 When the extension of judgment is at the request of the clerk, the  
4 two hundred dollar charge may be imposed as court costs under RCW  
5 10.46.190.

6 (16) A facilitator surcharge of up to twenty dollars must be  
7 charged as authorized under RCW 26.12.240.

8 (17) For filing an adjudication claim under RCW 90.03.180, a fee  
9 of twenty-five dollars must be charged.

10 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
11 fee of thirty-five dollars must be charged.

12 (19) For preparation of a change of venue, a fee of twenty  
13 dollars must be charged by the originating court in addition to the  
14 per page charges in subsection (4) of this section.

15 (20) A service fee of five dollars for the first page and one  
16 dollar for each additional page must be charged for receiving faxed  
17 documents, pursuant to Washington state rules of court, general rule  
18 17.

19 (21) For preparation of clerk's papers under RAP 9.7, a fee of  
20 fifty cents per page must be charged.

21 (22) For copies and reports produced at the local level as  
22 permitted by RCW 2.68.020 and supreme court policy, a variable fee  
23 must be charged.

24 (23) Investment service charge and earnings under RCW 36.48.090  
25 must be charged.

26 (24) Costs for nonstatutory services rendered by clerk by  
27 authority of local ordinance or policy must be charged.

28 (25) For filing a request for (~~mandatory~~) civil arbitration, a  
29 filing fee may be assessed against the party filing a statement of  
30 arbitrability not to exceed two hundred (~~twenty~~) fifty dollars as  
31 established by authority of local ordinance. Two hundred twenty  
32 dollars of this charge shall be used (~~solely~~) to offset the cost of  
33 the (~~mandatory~~) civil arbitration program. Thirty dollars of each  
34 fee collected under this subsection must be used for indigent defense  
35 services.

36 (26) For filing a request for trial de novo of (~~a~~) a civil  
37 arbitration award, a fee not to exceed (~~two~~) four hundred (~~fifty~~)  
38 dollars as established by authority of local ordinance must be  
39 charged.

1 (27) A public agency may not charge a fee to a law enforcement  
2 agency, for preparation, copying, or mailing of certified copies of  
3 the judgment and sentence, information, affidavit of probable cause,  
4 and/or the notice of requirement to register, of a sex offender  
5 convicted in a Washington court, when such records are necessary for  
6 risk assessment, preparation of a case for failure to register, or  
7 maintenance of a sex offender's registration file.

8 (28) For the filing of a will or codicil under the provisions of  
9 chapter 11.12 RCW, a fee of twenty dollars must be charged.

10 (29) For the collection of an adult offender's unpaid legal  
11 financial obligations, the clerk may impose an annual fee of up to  
12 one hundred dollars, pursuant to RCW 9.94A.780.

13 (30) A surcharge of up to twenty dollars may be charged in  
14 dissolution and legal separation actions as authorized by RCW  
15 26.12.260.

16 The revenue to counties from the fees established in this section  
17 shall be deemed to be complete reimbursement from the state for the  
18 state's share of benefits paid to the superior court judges of the  
19 state prior to July 24, 2005, and no claim shall lie against the  
20 state for such benefits.

21 NEW SECTION. **Sec. 8.** This act applies to all cases filed on or  
22 after September 1, 2018.

23 NEW SECTION. **Sec. 9.** This act takes effect September 1, 2018.

--- END ---