

**Chapter 2.04 RCW
SUPREME COURT**

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*Commissioner of the supreme court: **Rules of court: SAR 15.***

Judiciary and judicial power: State Constitution Art. 4.

Publication of opinions: Chapter 2.32 RCW.

RCW 2.04.010 Jurisdiction. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or herself, or before the supreme court, or before any superior court of the state, or any judge thereof. [2011 c 336 § 8; 1890 p 322 § 6; RRS § 1.]

Rules of court: *Cf. RAP 4.2, 4.3, 18.22; Titles 2 and 16 RAP.*

Jurisdiction of supreme court: State Constitution Art. 4 § 4.

RCW 2.04.020 Court of record—General powers. The supreme court shall be a court of record, and shall be vested with all power and authority necessary to carry into complete execution all its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law, and the Constitution and laws of this state. [1890 p 323 § 10; RRS § 2.]

Courts of record: State Constitution Art. 4 § 11.

Judicial power, where vested: State Constitution Art. 4 § 1.

RCW 2.04.030 Supreme court and court of appeals—When open. The supreme court and the court of appeals shall always be open for the transaction of business except on Saturdays, Sundays, and legal holidays designated by the legislature. [1971 ex.s. c 107 § 1; 1909 p 36 § 7; RRS § 4. Prior: 1890 p 322 § 4, part.]

Rules of court: SAR-Rule 4.

Legal holidays: RCW 1.16.050.

RCW 2.04.031 Court facilities. If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him or her disbursed on proper vouchers, and accounted for by him or her in annual settlements with the governor. [2011 c 336 § 9; 1973 c 106 § 1; 1955 c 38 § 1; 1890 p 322 § 4; RRS § 3.]

RCW 2.04.040 Effect of adjournments. Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time. [1890 p 323 § 7; RRS § 5.]

Rules of court: SAR-Rule 5.

RCW 2.04.050 Style of process. Its process shall run in the name of the "State of Washington," bear test in the name of the chief justice, be signed by the clerk of the court, dated when issued, sealed with the seal of the court, and made returnable according to law, or such rule or orders as may be prescribed by the court. [1890 p 323 § 11; RRS § 6.]

Rules of court: SAR-Rule 2.

RCW 2.04.070 Number of judges. The supreme court, from and after February 26, 1909, shall consist of nine judges. [1909 c 24 § 1; RRS § 11036. FORMER PARTS OF SECTION: 1911 c 119 § 1; 1909 c 24 § 2; RRS § 11039; now codified in RCW 2.04.071. Prior: (i) 1905 c 5 § 1; 1890 p 321 § 1; RRS § 11035. (ii) 1893 c 5 § 1; RRS 11037. (iii) 1905 c 5 § 3; RRS § 11038.]

RCW 2.04.071 Election—Term of office. At the next general election, and at each biennial general election thereafter, there shall be elected three justices of the supreme court, to hold for the full term of six years, and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election. [1971 c 81 § 1; 1911 c 119 § 1; 1909 c 24 § 2; RRS § 11039. Formerly RCW 2.04.070, part.]

Election and terms, supreme court judges: State Constitution Art. 4 § 3.

Eligibility of judges: State Constitution Art. 4 § 17.

Forfeiture of office for absence: State Constitution Art. 4 § 8.

Impeachment: State Constitution Art. 5.

Judge may not practice law: State Constitution Art. 4 § 19.

Judges ineligible to other office: State Constitution Art. 4 § 15.

RCW 2.04.080 Oath of office. The several justices of the supreme court, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the supreme court of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state. [1971 c 81 § 2; 1890 p 324 § 14; RRS § 11043.]

Oath of judges: State Constitution Art. 4 § 28.

RCW 2.04.092 Salary of justices. The annual salary of justices of the supreme court shall be established by the Washington citizens' commission on salaries for elected officials. No salary warrant may be issued to a justice of the supreme court until the justice files with the state treasurer an affidavit that no matter referred to the

justice for opinion or decision has been uncompleted or undecided for more than six months. [1986 c 155 § 4; 1984 c 258 § 401.]

Contingent effective date—Severability—1986 c 155: See notes following RCW 43.03.300.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Salaries of judicial officers: State Constitution Art. 4 §§ 13, 14; Art. 28 § 1; Art. 30 § 1.

Washington citizens' commission on salaries for elected officials: RCW 43.03.305.

RCW 2.04.100 Vacancy, how filled. If a vacancy occurs in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. [1971 c 81 § 3; 1955 c 38 § 2. Prior: 1937 c 15 § 1; 1893 c 5 § 2; 1890 p 321 § 3; RRS § 11044.]

RCW 2.04.110 Justices, judges to wear gowns. Each of the justices of the supreme court, judges of the court of appeals, and the judges of the superior courts shall in open court during the presentation of causes, before them, appear in and wear gowns, made of black silk, of the usual style of judicial gowns. [1971 c 81 § 4; 1909 c 206 § 1; RRS § 11054. Formerly RCW 2.04.110, 2.08.130.]

RCW 2.04.150 Apportionment of business—En banc hearings. The chief justice shall from time to time apportion the business to the departments, and may, in his or her discretion, before a decision is pronounced, order any cause pending before the court to be heard and determined by the court en banc. When a cause has been allotted to one of the departments and a decision pronounced therein, the chief justice, together with any two associate judges, may order such cause to be heard and decided by the court en banc. Any four judges may, either before or after decision by a department, order a cause to be heard en banc. [2011 c 336 § 10; 1909 c 24 § 4, part; RRS § 9.]

Rules of court: SAR 4.

RCW 2.04.180 Rules of practice and forms of process in supreme court. The supreme court may from time to time institute such rules of practice and prescribe such forms of process to be used in such court and in the court en banc and each of its departments, and for the keeping of the dockets, records and proceedings, and for the regulation of such court, including the court en banc and in departments, as may be deemed most conducive to the due administration of justice. [1909 c 24 § 8; 1890 p 323 § 12; RRS § 13.]

Rules of court: Cf. Title 1 RAP and RAP 18.10.

RCW 2.04.190 Rules of pleading, practice, and procedure generally. The supreme court shall have the power to prescribe, from time to time, the forms of writs and all other process, the mode and manner of framing and filing proceedings and pleadings; of giving notice and serving writs and process of all kinds; of taking and obtaining evidence; of drawing up, entering and enrolling orders and judgments; and generally to regulate and prescribe by rule the forms for and the kind and character of the entire pleading, practice and procedure to be used in all suits, actions, appeals and proceedings of whatever nature by the supreme court, superior courts, and district courts of the state. In prescribing such rules the supreme court shall have regard to the simplification of the system of pleading, practice and procedure in said courts to promote the speedy determination of litigation on the merits. [1987 c 202 § 101; 1925 ex.s. c 118 § 1; RRS § 13-1.]

Rules of court: Cf. Title 1 RAP.

Intent—1987 c 202: "The legislature intends to:

- (1) Make the statutes of the state consistent with rules adopted by the supreme court governing district courts; and
- (2) Delete or modify archaic, outdated, and superseded language and nomenclature in statutes related to the district courts." [1987 c 202 § 1.]

Court of appeals—Rules of administration and procedure: RCW 2.06.030.

RCW 2.04.200 Effect of rules upon statutes. When and as the rules of courts herein authorized shall be promulgated all laws in conflict therewith shall be and become of no further force or effect. [1925 ex.s. c 118 § 2; RRS § 13-2.]

Rules of court: Cf. CR 81(b), RAP 1.1(g).

RCW 2.04.210 Supplementary superior court rules. RCW 2.04.190 through 2.04.210 shall not be construed to deprive the superior courts of power to establish rules for their government supplementary to and not in conflict with the rules prescribed by the supreme court. [1925 ex.s. c 118 § 3; RRS § 13-3.]

Rules of court: Cf. CR 83(a); Cf. RAP 1.1.

Rules for government of superior courts: RCW 2.08.230, 2.16.040.

RCW 2.04.215 Adoption of rules for settlement conferences in civil cases. By January 1, 1982, the supreme court shall adopt rules for settlement conferences in civil cases in such superior courts and the court of appeals which are amenable to the settlement conference process. [1981 c 331 § 5.]

Court Congestion Reduction Act of 1981—Purpose—Severability—
1981 c 331: See notes following RCW 2.32.070.

Adoption of rules for discovery in civil cases in courts of limited jurisdiction: RCW 3.02.050.

RCW 2.04.220 Effect of supreme court judgments. The judgments and decrees of the supreme court shall be final and conclusive upon all the parties properly before the court. [1890 p 323 § 8; RRS § 14.]

Rules of court: SAR—Rule 3.

RCW 2.04.230 Report to governor. The judges of the supreme court shall, on or before the first day of January in each year, report in writing to the governor such defects and omissions in the laws as they may believe to exist. [1890 p 324 § 16; RRS § 11042.]

Annual report to governor: State Constitution Art. 4 § 25.

Court of appeals—Reporting defects or omissions in the laws: RCW 2.06.110.

RCW 2.04.240 Judge pro tempore—Declaration of policy—Appointment—Oath of office. (1) DECLARATION OF POLICY. Whenever necessary for the prompt and orderly administration of justice, as authorized and empowered by Article IV, section 2(a), Amendment 38, of the state Constitution, a majority of the supreme court may appoint any regularly elected and qualified judge of the court of appeals or the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the supreme court.

(2) If the term of a justice of the supreme court expires with cases or other judicial business pending, the chief justice of the supreme court may appoint the justice to serve as judge pro tempore of the supreme court, whenever necessary for the prompt and orderly administration of justice. No justice may be appointed under this subsection more than one time and no appointment may exceed sixty days.

(3) Before entering upon his or her duties as judge pro tempore of the supreme court, the appointee shall take and subscribe an oath of office as provided for in Article IV, section 28 of the state Constitution. [1997 c 88 § 1; 1982 c 72 § 1; 1963 c 40 § 1.]

Rules of court: SAR 21.

RCW 2.04.250 Judge pro tempore—Remuneration. (1) A judge of the court of appeals or of the superior court serving as a judge pro tempore of the supreme court as provided in RCW 2.04.240 shall receive, in addition to his or her regular salary, reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the supreme court as provided in RCW 2.04.240 shall receive, in addition to any retirement pay he or she may be receiving, the following compensation and expenses:

(a) Reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060.

(b) During the period of his or her service as a judge pro tempore, an amount equal to the salary of a regularly elected judge of the court in which he or she last served for such period diminished by the amount of retirement pay accrued to him or her for such period.

(3) Whenever a superior court judge is appointed to serve as judge pro tempore of the supreme court and a visiting judge is assigned to replace him or her, subsistence, lodging, and travel expenses incurred by such visiting judge as a result of such assignment shall be paid in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060, upon application of such judge from the appropriation of the supreme court.

(4) A justice appointed as judge pro tempore of the supreme court under RCW 2.04.240(2) shall continue to receive compensation in accordance with the rates applicable to the justice immediately before the expiration of the term.

(5) The provisions of RCW 2.04.240(1) and 2.04.250 (1) through (3) shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his or her dependents. [1997 c 88 § 2; 1982 c 72 § 2; 1981 c 186 § 1; 1963 c 40 § 2.]