

The Court of Appeals
of the
State of Washington

STEPHEN J. DWYER, JUDGE
ONE UNION SQUARE
SEATTLE, WASHINGTON 98101-4170
(206) 464-7658



November 25, 2008

Mr. Stephen K. Eugster
2418 West Pacific Avenue
Spokane, WA 99201-6244

Dear Mr. Eugster:

I am in receipt of your letter to me of November 18, 2008. The answers to your questions are as follows:

1. All cases are assigned randomly, and in equal numbers, to the 10 judges of our court. This statement covers oral argument cases and non oral argument cases set for decision on oral argument days. This process produces 700 opinions per year.
2. In addition, each month 3 judges are assigned as a "duty panel." One of the responsibilities of the judges so assigned is to resolve simple cases (concession of error, etc.) that need not be placed on a calendar. This process produces 80 to 100 opinions per year.
3. I became a member of the court on November 30, 2005. Since then, no former or present judge has served pro tem.
4. Prior to my arriving, I am told that several superior court judges "exchanged" with Division I judges for a month or so. During these periods, the pro tem judge "stood in the shoes" of the Division I judges and cases were assigned accordingly. These pro tem judges were never on duty panels.
5. To my knowledge, no person fitting the description "(c) others who serve pro tem who are not former or present judges" have sat as a pro tem judge in Division I.

Mr. Stephen K. Eugster
November 25, 2008
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Thank you for your interest in the workings of the Washington State Court of Appeals.

Very truly yours,



Stephen J. Dwyer

SJD:mtp



Washington State Court of Appeals Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454
David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, Issue Summaries, and General Information at <http://www.courts.wa.gov/courts>

December 4, 2008

Stephen Kerr Eugster
Eugster Law Office PSC
2418 W Pacific Ave
Spokane, WA, 99201-6422

RE: Letter dated November 18, 2008

Mr. Eugster:

Chief Judge Van Deren asked that I respond to your letter dated November 18, 2008.

Appointments of pro tem judges are done on an "as needed" basis and no apportionment is involved. We have appointed pro tems to about three to four cases during the last two years.

With respect to the elected judges in this division, cases are apportioned equally based on case complexity. The judges rate cases based on complexity during the screening process on new appeals. The ACORDS system produces a report showing cases that are ready for setting according to when all briefs are filed. Using this report, I prepare a preliminary calendar that randomly assigns an equal number of cases of equivalent complexity to each judge sitting during a calendar period or cycle. I submit the proposed calendar to the Chief Judge for approval. Thereafter, changes are made only to accommodate conflicts or sudden illness or unavailability.

I hope this adequately responds to your questions. You may contact me by writing or calling at the address or telephone number listed above.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Ponzoha", with a long horizontal flourish extending to the right.

David C. Ponzoha
Court Clerk

APPENDIX C