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December 16, 2008

Representative. Patricia Lantz
Chair, Judiciary Committee
Washington House of Representatives
438A Legislative Building
PO Box 40600
Olympia, WA 98504-0600

Senator Adam Kline
Chair, Judiciary Committee
Washington State Senate
223 John A. Cherberg Building
PO Box 40437
Olympia, WA 98504-0437

Re: **THE WASHINGTON COURT OF APPEALS: FAIR AND EQUAL ELECTION RIGHTS
VIOLATED, AN OPPORTUNITY FOR JUDICIAL IMPROVEMENT**

Dear Representative Lantz and Senator Kline:

I write to you about the Washington Court of Appeals and the need to take action to correct some constitutional infirmities of the election of judges to the court under the fair and equal election requirements of the Washington Constitution.

I have enclosed a draft of an article I am working on, *The Washington Court of Appeals: Fair and Equal Election Rights Violated, An Opportunity for Judicial Improvement*. This article addresses the constitutional issues I refer to.

I also suggest the need to take action may present a legislative opportunity to significantly improve the court. In actual practice, the Washington Court of Appeals is “the supreme court” for the vast majority of cases appealed from our Superior Courts. Judges of the highest competence and character should be nominated and elected to the court. The Walsh Commission Report (WALSH REPORT – THE PEOPLE SHALL JUDGE (1996)) may be of interest in this regard.

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The conclusions I have arrived at may be of interest to you and your committees. Especially, during the upcoming session of the Washington State Legislature because of need to take action soon.

I hope my work will be helpful to you. If you find error in my research or my logic please tell me so that I can make needed correction.

I look forward to hearing from you about these matters and need to take legislative action as soon as possible.

Very truly yours,

/s/

Stephen K. Eugster

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Copies with enclosure to:

Hon. C. C. Bridgewater,
Presiding Chief Judge
Washington Court of Appeals
950 Broadway
Ste. 300, MS TB-06
Tacoma, WA 98402-4454

Hon. Gerry L. Alexander,
Chief Justice,
Washington Supreme Court
415 12th Ave SW
PO Box 40929
Olympia, WA 98504-0929

Hon. Stephen J. Dwyer
Chief Judge, Division I
Washington Court of Appeals
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Hon. Marywave Van Deren
Chief Judge, Division II
Washington Court of Appeals
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Tacoma, WA 98402-4454

Hon. John A. Schultheis
Chief Judge, Division III
Washington Court of Appeals
P.O. Box 2159
Spokane, WA 99210-2159