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December 29, 2008

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

Re: ***The Washington Court of Appeals: Fair and Equal Election Rights Violated, An Opportunity for Judicial Improvement***

Dear Judge Bridgewater:

Several days ago I mailed to you a copy of a letter and article I had written concerning the Washington Court of Appeals entitled ***The Washington Court of Appeals: Fair and Equal Election Rights Violated, an Opportunity for Judicial Improvement***. The letter was to the chairpersons of the Washington House of Representatives and Senate judiciary committees.

If you no longer have the article and appendices you may find them at:

<http://www.eugsterlaw.com/washington-court-of-appeals/>

In the article I contend that the legislation by which the Washington Court of Appeals was created by the legislature under the direction of the Washington Constitution provides for a court which is in violation of the equal rights of election requirements of the Washington Constitution.

I asserted two main points:

First, that the election of judges to the Court of Appeals is not apportioned in a proper and constitutional way.

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Second, that the panels of three judges selected by the chief judge of each of the divisions of the Court of Appeals to do the work of the court is in violation of the equal election provision. Not only are judges not elected to the panels, there is no apportionment of the judges who become members of the panels.

I also pointed out that there may be some urgency regarding these matters in light of judicial opinions of Division III that provide an argument that courts made up of judges who are not properly elected when required to be elected do not have authority to act as courts. *See, e.g., Rothwell v. Spokane*, 141 Wn. App. 680 , 170 P.3d 1205 (2007) and cases cited therein.

If I am wrong in my assertions and concerns I would like to know. Thus, I ask that the Court of Appeals review my article and consider my article. If I am wrong regarding any of my assertions I would like to know and would like to know why.

If I am not wrong it seems to me that the Court of Appeals should play a role in securing legislative action to correct the problems during the upcoming session of the Washington Legislature.

I look forward to hearing from you.

Respectfully,

/s/

Stephen K. Eugster

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Copies to Chief Judges of Divisions I, II and III of the Court of Appeals:

Hon. Stephen J. Dwyer  
Chief Judge, Division I  
Washington Court of Appeals  
One Union Square  
Seattle, WA 98101-4170

Hon. Marywave Van Deren  
Chief Judge, Division II  
Washington Court of Appeals  
950 Broadway  
Ste. 300, MS TB-06  
Tacoma, WA 98402-4454

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