

**BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 17-002**

**PROCESSES FOR EX PARTE TO AVOID DISQUALIFIED
JUDGES FROM CONSIDERING MATTERS**

Recognizing the recent increase in the frequency of the filing of affidavits of prejudice against judicial officers pursuant to RCW 4.12.040 and 4.12.050, and the Court's ethical obligation to implement policies and procedures that will eliminate the possibility that a judge against whom an affidavit of prejudice has been filed from inadvertently signing orders presented ex parte, the Court hereby adopts the following:

Requirement for Attorney Attestation Regarding the Filing of Affidavits of Prejudice at Presentment of Orders Ex Parte: Every request for an order ex parte presented by an attorney shall be accompanied by an attestation regarding whether or not an affidavit of prejudice has been filed against any judicial officer, substantially in the form attached hereto, and signed by the attorney presenting the matter. The forms will be available to attorneys and litigants at the Court Administration window and on the court's website. Upon request, Court Administration will send the electronic forms to any attorneys requesting the same.

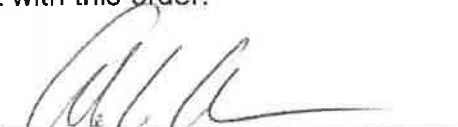
Requirement for Pro Se Litigant Attestation Regarding the Filing of Affidavits of Prejudice at Presentment of Orders Ex Parte: Every request for an order ex parte presented by an pro se litigant shall be accompanied by an attestation regarding whether or not an affidavit of prejudice has been filed against any judicial officer, substantially in the form attached hereto, and signed by the pro se litigant presenting the matter. The forms will be available to attorneys and litigants at the Court Administration window and on the court's website. Upon request, Court Administration will send the electronic forms to any pro se litigants requesting the same.

Requirement for Clerk Attestation Regarding the Filing of Affidavits of Prejudice at Presentment of orders ex parte: The clerks of the Benton and Franklin Counties Superior Court shall make a notation on all case file jackets, and in the case management software, of all affidavits of prejudice that have been filed in every case. Every request for an order ex parte presented by the clerks shall include notification of whether or not an affidavit of prejudice has been filed against any judicial officer. The clerks may satisfy this requirement by either (1) attaching an attestation, signed by the clerk or deputy clerk, substantially in the form attached hereto; (2) by attaching the request for an ex parte order to the case file, which has been properly annotated with all affidavits of prejudice that have been filed in the case; or (3) presenting the order ex

parte through case management software where the judicial officer can personally verify whether or not an affidavit of prejudice has been filed. The clerk may, but need not, present an ex parte matter where the originating attorney, litigant, or clerk/deputy clerk failed to attach the attestation.

Attestations will not be a pleading filed with the clerk. Attestations may either be a separate quarter sheet, attached to the proposed order, or may be printed or stamped on the order on the same page as the signature line for the judicial officer. Attestations on separate sheets will be returned to the attorney or litigant. Attestations will be based upon the best knowledge and belief of the attorney, litigant, or clerk/deputy clerk.

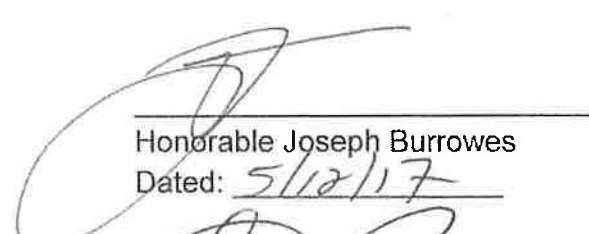
This resolution shall supersede and replace all prior directions from the Court in conflict with this order.



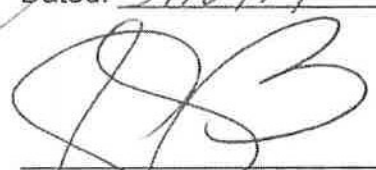
Honorable Alexander C. Ekstrom
Presiding Judge
Dated: 05/12/17



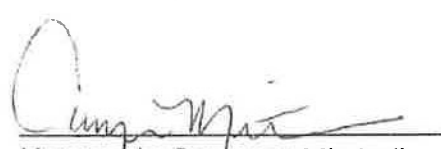
Honorable Bruce A. Spanner
Assistant Presiding Judge
Dated: 5/12/17



Honorable Joseph Burrowes
Dated: 5/12/17



Honorable Jacqueline Shea-Brown
Dated: 5/15/17



Honorable Cameron Mitchell
Dated: 5/12/17



Honorable Carrie Runge
Dated: 5/12/17



Honorable Vic L. VanderSchoor
Dated: 5/12/17

Attestation

Case Title: _____

Cause Number: _____

The undersigned attests, to the best of his/her knowledge and belief, that:

☐ An Affidavit of Prejudice has NOT been filed against any judicial officer.

☐ Affidavit(s) of Prejudice have been filed against the following judicial officer(s):

Signed this ____ day of _____, 20____

Bar # (if applicable) _____

Attestation

Case Title: _____

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Signed this ____ day of _____, 20____

Clerk/Deputy Clerk

Attestation

Case Title: _____

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