

**BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 17-003**

**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 or Notices of Disqualification 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 or notice of disqualification 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.

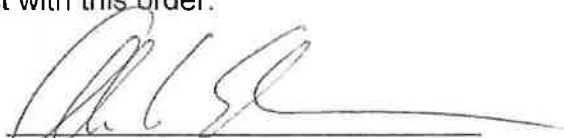
Requirement for Pro Se Litigant Attestation Regarding the Filing of Affidavits of Prejudice or Notices of Disqualification at Presentment of Orders Ex Parte: Every request for an order ex parte presented by an pro se litigant shall be accompanied by an attestation regarding whether or not an affidavit of prejudice or notice of disqualification 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 or Notices of Disqualification 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 or notices of disqualification 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 or notice of disqualification 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 or notices of disqualification 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 or notice of disqualification has been filed. The clerk may, but need not, present an ex parte matter where the originating attorney or litigant 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 or litigant.

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



Honorable Alexander C. Ekstrom

Presiding Judge

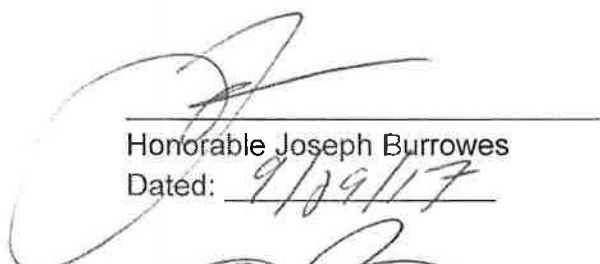
Dated: 09/28/17



Honorable Bruce A. Spanner

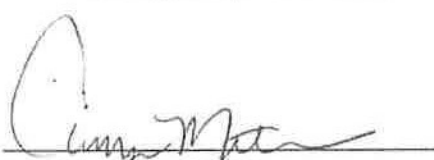
Assistant Presiding Judge

Dated: 9/28/17



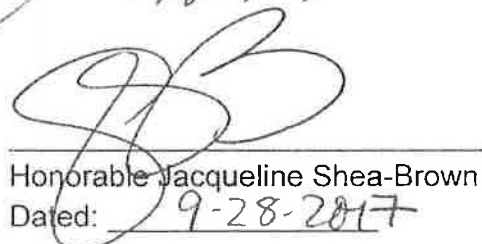
Honorable Joseph Burrowes

Dated: 9/29/17



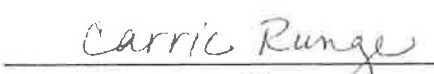
Honorable Cameron Mitchell

Dated: 9/29/17



Honorable Jacqueline Shea-Brown

Dated: 9-28-2017



Honorable Carrie Runge

Dated: 9/28/17

Attestation

Case Title: _____

Cause Number: _____

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

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

Signed this ____ day of _____, 20____

Bar # (if applicable) _____

Attestation

Case Title: _____

Cause Number: _____

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

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

Signed this ____ day of _____, 20____

Bar # (if applicable) _____

Attestation

Case Title: _____

Cause Number: _____

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

Signed this ____ day of _____, 20____

Bar # (if applicable) _____

Attestation

Case Title: _____

Cause Number: _____

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

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

Signed this ____ day of _____, 20____

Bar # (if applicable) _____

Attestation

Case Title: _____

Cause Number: _____

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

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

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

Signed this ____ day of _____, 20____

Clerk/Deputy Clerk

Attestation

Case Title: _____

Cause Number: _____

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

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

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

Signed this ____ day of _____, 20____

Clerk/Deputy Clerk

Attestation

Case Title: _____

Cause Number: _____

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

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

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

Signed this ____ day of _____, 20____

Clerk/Deputy Clerk

Attestation

Case Title: _____

Cause Number: _____

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

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

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

Signed this ____ day of _____, 20____

Clerk/Deputy Clerk

EX PARTE ATTESTATION POLICY

Judges may not sign any documents in a case where any party has filed an Affidavit of Prejudice or Notice of Disqualification (the 2 documents that disqualify a Judge from hearing the case).

A) Before you present any document in a case for a Judge to sign, you must fill out one of the Attestation Form which asks you two questions:

- 1) Have you filed an Affidavit Of Prejudice or Notice of Disqualification in your case against any Judge? or,
- 2) Do you know if anyone else in the case has filed an Affidavit Of Prejudice or Notice of Disqualification in your case against any judge? (Did anyone else in the case send you a notice that they filed an Affidavit of Prejudice or Notice of Disqualification against any judge?).

If the answer to **either** question is **Yes**, you must check the second box and put the name or names of the Judge or Judges against whom Affidavits of Prejudice or Notice of Disqualification have been filed on the lines below.

If the answer to **both** of these questions is **No**, fill out the first box only.

B) Next, you have to:

- 1) Sign and date the form, and
- 2) Attach it to your paperwork *before* Court Administration/The Clerk of The Court will accept it and ask a judge will review it.

This is your case, so you are responsible for filling out the form to the best of your knowledge and belief. If you have a question about what you other the other side did, you need to look at your paperwork in your case. It is not the job of Court Administration or The Clerk of The Court to tell you if there are Affidavits/Disqualifications in your case.