



**Judicial Forum
Appellate Court**

March 22, 5 PM
Moot Court Room
GU's School of Law



**GENERAL MTG.
"FAKE NEWS"**

APRIL 11, 6 PM
Downtown Public
Library

VOTER

What is the Role of the Appellate Court?

Culled from Wikipedia

The **Washington Court of Appeals** is the intermediate level appellate court for the state of Washington. The court is divided into three divisions. Division I is based in Seattle, Division II is based in Tacoma, and Division III is based in Spokane.

The need for an intermediate appellate court to relieve the heavy workload of the Washington Supreme Court was felt as far back as 1929 when the state's Judicial Council suggested the establishment of such a court as a possible option for judicial restructuring. However, nothing happened until the mid-1960s, when work began on a Court of Appeals.

A Constitutional Amendment was passed on November 5, 1968 authorizing the legislature to create a Court of Appeals, and to define its composition and jurisdiction. The legislature passed the enabling act, and a Court of Appeals, with three divisions with a total of 12 judges was established on May 12, 1969. The initial appointments were made by Governor Dan Evans with the judges all facing election at the general election of 1970 with each elected judge initially serving terms of two, four and six years determined by lot.

The Court currently has 22 judges, who sit in three geographic divisions. Within each division cases are heard by panels of three. There is no *en banc* (1) procedure. Judges are elected for 6-year terms and must retire like the judges of the other Washington courts at the end of the calendar year in which they reach the age of 75.

**Photo above:
League's Birthday Party
Guest, Pam Behring, Eric
Henningsen & Suzi Hokonson**

**Calendar pg. 4
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**www.lwvspokane.org
www.lwvwa.org
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Statute: 2.06.030. General powers and authority—Transfers of cases—Appellate jurisdiction, exceptions—Appeals.

The administration and procedures of the court [of appeals] shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court. Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

- (a) cases of quo warranto (2), prohibition, injunction (3) or mandamus (4) directed to state officials;
- (b) criminal cases where the death penalty has been decreed;
- (c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;
- (d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and
- (e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court;

all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

The appellate jurisdiction of the court of appeals does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars.

The court shall have appellate jurisdiction over review of final decisions of administrative agencies certified by the superior court pursuant to RCW [34.05.518](#).

Appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court.

Division I sits in Seattle, and is the smallest of the three geographic divisions, though the largest by population. It stretches from the White River (to the extent it serves at part of King county's southern boundary) in the south to the Canada–US border in the north, and from the Cascade Range in the east to the San Juan Islands in the west. The division hears appeals from the counties of Island, King, San Juan, Skagit, Snohomish and Whatcom. This division has ten judges:

- Marlin J. Appelwick
- Mary Kay Becker
- Ronald E. Cox
- Stephen J. Dwyer
- David Mann
- J. Robert Leach
- Ann Schindler
- Michael S. Spearman, Chief Judge

- Michael J. Trickey
- James R. Verellen, Acting Chief Judge

Division II sits in Tacoma and hears appeals from the counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania (see NOTE), Thurston and Wahkiakum. This division has seven judges:

- Thomas Bjorgen, Acting Chief Judge
- Lisa Sutton
- Jill Johanson, Chief Judge
- Linda Lee
- Bradley A. Maxa
- Rich Melnick
- Lisa R. Worswick

The Washington State Court of Appeals Divisions



Division III sits in Spokane and includes the three-fifths of the state's land area that lies east of the Cascade Range. In addition to the state's second largest city, Spokane; it embraces the regional cities of Yakima and the Tri-Cities of Kennewick, Pasco and Richland. It hears appeals from Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat (see NOTE), Lincoln, Okanigan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima counties. This division has five judges:

- George B. Fearing, Chief Justice
- Kevin Korsmo
- Rebecca L. Pennell
- Robert Lawrence-Berrey, Acting Chief Judge
- Laurel Siddoway

NOTE: Skamania/Klickitat Counties

Skamania County is in Division II; Klickitat County is in Division III. These counties are sparsely populated, so do not qualify for their own Superior Court Judge. They must share one Superior Court Judge. When the judge presides in Skamania County, Division II opinions are followed. When the judge presides in Klickitat County, Division III opinions are followed. When the Divisions issue conflicting opinions, practitioners must be careful to follow/cite from the appropriate appellate division.

1. In law, an **en banc session** (French for "in bench") is heard before all the judges of a court (before the entire bench) rather than by a panel of judges selected from them.
2. **Quo warranto** (Medieval Latin for "by what warrant?") is a prerogative writ requiring the person to whom it is directed to show what authority they have for exercising some right or power (or "franchise") they claim to hold.
3. An **injunction** is an equitable remedy in the form of a court order that compels a party to do or refrain from specific acts. A party that fails to comply with an injunction faces criminal or civil penalties, including possible monetary sanctions and even imprisonment. They can also be charged with contempt of court. **Counterinjunctions** are injunctions that stop or reverse the enforcement of another injunction.

4. **Mandamus** ("we command") is a judicial remedy in the form of an order from a superior court to any government subordinate court, corporation, or public authority—to do (or forbear from doing) some specific act which that body is obliged under law to do (or refrain from doing)—and which is in the nature of public duty and, in certain cases, one of a statutory duty. It cannot be issued to compel an authority to do something against statutory provision. For example, it cannot be used to force a lower court to reject or authorize applications that have been made but, if the court refuses to rule one way or the other, then a mandamus can be used to order the court to rule on the applications.

Calendar		
March	22	<p>Judicial Panel: "Civil Liberties and Government Accountability." Moot Court Rm., Gonzaga University's School of Law, 5 PM.</p> <p>Four judges from the Court of Appeals will discuss their court and answer questions.</p>
April	11	<p>General Meeting @ Downtown Public Library, 6 PM. What is "Fake News?" How do you recognize it? How do you combat it? Hear Raelynn Barden, events coordinator for the library. Also speaking are Tara Neumann, Community Technology Director at the Spokane Public Library and Beth McGibbon, AP Capstone Teacher at Rogers High School, who will be assisted by 5-6 students from her class.</p>
May	9	<p>Annual Meeting, 5:30 Mayor David Condon will be the speaker.</p>
June	2-4	<p>LWVWA Convention @ the Best Western Executive Inn, Seattle</p>

Ban the Box! Support SB 5312, The Fair Chance Act

Giving people a fair chance may not only save money, but also lives. [SB 5312](#) prohibits employers from asking about an applicant's criminal history until the second screening. This allows for a more complete picture of a person's skills and talents during an interview process. After paying their debt to society, individuals face many hurdles upon re-entry. Gainful employment can turn a person's life around which in turn benefits families. Please [click here](#) to contact your Senator and urge them to support this bill.

Book review by Susan Gray

DARK MONEY

How a SECRETIVE GROUP of BILLIONAIRES is TRYING to BUY POLITICAL CONTROL in the US

Jane Mayer

Despite the breathless subtitle, Jane Mayer's book, published in 2016 and expanded from her 2010 *New Yorker* article on the Koch brothers, is a well researched, well documented and detailed account of how Charles and David Koch and a small group of other very wealthy individuals inspired by libertarian economic icons like Friedrich Hayek and Ludwig von Mises, have been directing unprecedented amounts of money into the election of political candidates in national, state and local elections.

But more than "the Koch Brothers are evil!!!!!!", this book, provides fascinating insights into where their ideas came from, how they managed to take what was originally a fringe political movement in the 1950s and 60s (remember *The John Birch Society*?) and methodically over decades, and by using a multi-pronged "vertically and horizontally integrated" strategy, have profoundly altered American politics. Starting in 2003, to fund this project the Kochs have been hosting semi-annual "donor conferences" for a confidential group of like-minded and extremely wealthy individuals, often joined by politicians seeking their support.

Since the Supreme Court's 2010 *Citizens United* decision allowing groups classified as 501(c)(4) "social welfare" organizations to make unlimited campaign contributions while keeping their donors secret, (so-called "dark money"), Republicans in the Koch donor network have used contributions funneled through layers of such organizations to help their preferred candidates defeat incumbent Democrats and more moderate Republicans in a significant number of states. After the 2010 census, Republican legislatures often used contractors affiliated with these organizations to redraw US Congressional districts to favor Republicans. Though such "gerrymandering" has been practiced throughout US history, after *Citizens United* this process was influenced by unelected mega-donors as much as, or more than, by the parties themselves.

Around this time, the rise of the Tea Party presented the Kochs with a new opportunity. Economist Bruce Bartlett explains, "The problem with the whole libertarian movement is that it's been all chiefs and no Indians. There weren't any actual people, like voters, who gave a crap about it." But with the rise of the Tea Party "... everyone suddenly sees that for the first time there are Indians out there—people who can provide real ideological power." The Kochs immediately began "trying to shape and control and channel the populist uprising into their own policies."

In the presidential election of 2012, the first after *Citizens United*, the Koch donor network spent huge amounts of dark money in their attempt to defeat the incumbent president. Ironically, in that year's presidential primary wealthy backers of Newt Gingrich and Rick Santorum could also use unlimited sums to run a great many negative ads against the Kochs' preferred candidate, Mitt Romney; these messages were a big help to Barack Obama in defeating Romney later that year.

After analyzing their disappointing loss in 2012, the Kochs invested several million dollars to purchase a state-of-the-art political data company called *i360*, giving them a data collection operation that many thought easier to use and more sophisticated than that of the Republican National Committee, who they no longer had to rely on for voter information. The 2014 mid-term election was a Republican triumph and a big victory for the Koch donors as well.

Donald Trump is mentioned briefly toward the end of the book. Trump, who was never invited to the Kochs' donor conferences, tweeted in August, 2015 "I wish good luck to all of the Republican candidates that traveled to California to beg for money etc. from the Koch Brothers. Puppets?" The book follows with this observation: "Trump's popularity suggested that voters were hungry for independent candidates who wouldn't spout the donors' lines. His call to close the carried-interest tax loophole, and talk of the ultra-rich not paying its share, as well as his anti-immigrant rants, made his opponents appear robotically subservient and out of touch."

A remarkable coda to the book after its publication was the surprising outcome of the 2016 presidential election and its tumultuous aftermath, both within the new administration and among those who can't come to terms with it. Tea Party-style protests are popping up everywhere and progressives are encouraging Senate Democrats to adopt the base-pleasing obstructionist tactics employed by Senate and House Republicans throughout the Obama administration.

Though effective for Republicans over the last eight years, this may not be a winning strategy for Democrats. As Aaron Blake pointed out in the Washington Post (Feb 11, 2017), polarization favors Republicans—currently 53% of House districts are Republican and 60 Senators are from red states. These numbers suggest that if they want to win enough elections to rein in the actions of the new administration, progressives must craft a message and deliver it in such a way that will appeal to voters beyond their base. It will be a lost opportunity if the opposition forces allow anger and disappointment to distract them from this important task.

The **TRY's** are ready for distribution. They will be available at the Judicial Panel and the General Meeting in April.

Thank you, AVISTA, for printing the LWV Spokane "TRY's" and for supporting our Elected Officials Luncheon.

LWV Spokane Board of Directors: Pres., Pam Behring; Vice-Pres., Linda Milsow; Sec., Sally Phillips; Treas., Jan Carrington; MLD Director, Lin McGinn; WEB page, Mary Hughes; Voter Service, Bev Austin; Forums, Susan Gray.

**\$75 Individual Dues: Local \$24 - State \$19 -
Nat'l \$32
\$105 Household, \$110 Sustaining Member,**



February 26, 1922 - February 14, 2017

Ivy Cyline Gee (nee'Ho-Yen) died peacefully February 14, 2017 just shy of her 95th birthday. Ivy was born and raised in British Guiana, a part of the West Indies, (now Guyana), the daughter of a third generation Chinese-Guyanese mother and a Chinese father. Her first husband Chih Yuan Yu was a member of the Nationalist Chinese diplomatic service. They moved to Houston, Texas in 1948, gaining permanent resident status in the USA when Mao took control of China, and then subsequent US citizenship. She had two daughters and a son by Chih Yuan; they divorced in the late 1950's. In 1962, Ivy married Jimmie Song Gee, an American GI who landed and fought on the beach on D-Day, WWII. To support her family, Ivy worked her own ice cream and hamburger restaurant, and then took part time employment so that she could be home with her kids; she was still able to accomplish a huge dream, attending college at the University of St. Thomas, majoring in Spanish and politics. She raised her children in a time and place not easy for an immigrant family, and taught them that they could do anything they wanted, and not be restricted by gender, race or class. She carried herself with style and grace and stood up for her family in challenging times. Ivy and Jimmie moved to Spokane in 1982 to join family, and to help raise their grandchildren. Not content with just enjoying her grandchildren, she was highly involved in the Spokane community, joining the League of Women Voters, doing voter registration and working on the white paper regarding the Hanford Nuclear reservation. She became an avid bridge player and became a LifeMaster, playing tournament bridge until her late 80's. Other loves were tennis, the symphony orchestra and traveling. She was preceded in death by her husband Jimmie, and her son, Victor. She is survived and still loved by her daughters Pamela Silverstein (Steve), of Spokane, Debbie Gee (Bob Wang) of Albuquerque, her grandchildren, Shayna Silverstein (Kirabo Jackson) (Chicago) and Joshua Silverstein (Abby Bruell) Brooklyn, and a great-grandson, Kamau Jackson. She was especially grateful to Jewish Family Services who provided her with great company and social activities in her later years.

A private family service is planned. Donations may be made to Spokane Area Jewish Family Services.

Yes, I want to join/renew membership in LWV/ Spokane Area

Name: _____

Address: _____ City: _____ Zip: _____

Phone: H _____ W _____

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I would like to receive the newsletter by ___ mail or ___ email (check one.)

Please make check payable & mail to: LWVSA 2404 N. Howard St., Spokane WA 99205 and indicate amount enclosed: _____

Pay by Credit Card through Pay Pal at www.lwvspokane.org/join.html



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"The League of Women Voters, a non-partisan political organization, encourages the informed and active participation of citizens in government, and influences the public policy through education and advocacy."