

**Chapter 2.32 RCW
COURT CLERKS, REPORTERS, AND BAILIFFS**

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County clerk is clerk of superior court: State Constitution Art. 4 s 26.

Election of county clerk: Chapter 36.16 RCW.

Fees: RCW 36.18.020.

Oath and bond of county clerk: RCW 36.16.040 through 36.16.060.

Powers and duties of county clerk: Chapter 36.23 RCW.

Salary of county clerk: Chapter 36.17 RCW.

Trust fund: RCW 36.48.090.

RCW 2.32.050 Powers and duties of court clerks. The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of

appeals, and of each county clerk for each of the courts for which he or she is clerk:

(1) To keep the seal of the court and affix it in all cases where he or she is required by law;

(2) To record the proceedings of the court;

(3) To keep the records, files, and other books and papers appertaining to the court;

(4) To file all papers delivered to him or her for that purpose in any action or proceeding in the court as directed by court rule or statute;

(5) To attend, either in person or electronically if the proceeding is virtual, the court of which he or she is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court;

(6) To keep the minutes of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments, and decrees;

(7) To authenticate by certificate or transcript, as may be required, the records, files, or proceedings of the court, or any other paper appertaining thereto and filed with him or her;

(8) To exercise the powers and perform the duties conferred and imposed upon him or her elsewhere by statute;

(9) In the performance of his or her duties to conform to the direction of the court;

(10) To publish notice of the procedures for inspection of the public records of the court. [2021 c 122 s 2; 2017 c 183 s 1; 2011 c 336 s 45; 1981 c 277 s 1; 1971 c 81 s 12; 1891 c 57 s 3; RRS s 77. Prior: Code 1881 ss 2180, 2182, 2184.]

Rules of court: SAR 16.

Finding—Intent—2021 c 122: "The legislature finds that the ability of county elected officials to fulfill their statutory responsibilities through continued conduct of essential functions and services during the current COVID-19 pandemic and potential future public health crises requires updating, and at times temporary waiver, of these requirements in statute. The legislature intends to update the manner in which services may be provided; maintaining access and opportunity. In addition, the legislature intends to clarify the conditions under which waiver or suspension of specific statutes may be assumed by county elected officials in order to eliminate temporary barriers to continuity of operations." [2021 c 122 s 1.]

RCW 2.32.070 Fees—Supreme court clerk, clerks of court of appeals. The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his or her first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of two hundred fifty dollars.

For copies of opinions, twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law five dollars, except that there shall be no fee for an original certificate to be issued at the time of his or her admission.

For filing a petition for review of a court of appeals decision terminating review, two hundred dollars.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation. [1992 c 140 s 1; 1987 c 382 s 1; 1981 c 331 s 2; 1971 ex.s. c 107 s 2; 1951 c 51 s 1; 1907 c 56 s 1, part; 1903 c 151 s 1, part; RRS s 497, part. Prior: 1893 c 130 s 1, part; Code 1881 s 2086, part; 1866 pp 94-99, part; 1863 pp 391-399, part; 1861 pp 34-42, part; 1854 pp 368-376, part.]

Effective date—1992 c 140: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1992." [1992 c 140 s 2.]

Court Congestion Reduction Act of 1981—Purpose—1981 c 331: "Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981." [1981 c 331 s 1.]

Severability—1981 c 331: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 331 s 16.]

"Folio" defined: RCW 1.16.040.

RCW 2.32.090 Clerk not to practice law. Each clerk of a court is prohibited during his or her continuance in office from acting, or having a partner who acts, as an attorney of the court of which he or she is clerk. [2011 c 336 s 46; 1891 c 57 s 5; RRS s 81. Prior: Code 1881 s 2183; 1854 p 367 s 10.]

Rules of court: SAR 16(3).

RCW 2.32.110 Reporter's duties. He or she shall prepare such decisions for publication by giving the title of each case, a syllabus of the points decided, a brief statement of the facts bearing on the points decided, the names of the counsel, and a reference to such authorities as are cited from standard reports and textbooks that have a special bearing on the case, and he or she shall prepare a full and comprehensive index to each volume, and prefix a table of cases reported. [2011 c 336 s 47; 1890 p 320 s 2; RRS s 11059.]

Rules of court: SAR 17.

RCW 2.32.120 Publication of reports. The reports must be published under the supervision of the court, and to that end each of the judges must be furnished by the reporter with proof sheets of each volume thirty days before its final publication. [1890 p 320 s 3; RRS s 11060.]

Rules of court: SAR 17.

Publication of supreme court opinions: State Constitution Art. 4 s 21.

RCW 2.32.130 Correction by judges. Within thirty days after such proof sheets are furnished, the judges must return the same to the reporter, with corrections or alterations, and he or she must make the corrections or alterations accordingly. [2011 c 336 s 48; 1890 p 320 s 4; RRS s 11061.]

Rules of court: SAR 17.

RCW 2.32.140 Opinions available to reporter. The reporter may take the original opinions and papers in each case from the clerk's office and retain them in his or her possession not exceeding sixty days. [2011 c 336 s 49; 1890 p 320 s 5; RRS s 11062.]

RCW 2.32.160 Washington court reports commission. There is hereby created a commission advisory to the supreme court regarding the publication of the decisions of the supreme court and court of appeals of this state in both the form of advance sheets for temporary use and in permanent form, to be known as the Washington court reports commission, and to include the reporter of decisions, the state law librarian, and such other members, including a judge of the court of appeals and a member in good standing of the Washington state bar association, as determined by the chief justice of the supreme court, who shall be chair of the commission. Members of the commission shall serve as such without additional or any compensation: PROVIDED, That members shall be compensated in accordance with RCW 43.03.240. [2011 c 336 s 50; 2005 c 190 s 1; 1995 c 257 s 1; 1984 c 287 s 7; 1971 c 42 s 1; 1943 c 185 s 1; Rem. Supp. 1943 s 11071-1. Prior: 1917 c 87 s 1; 1905 c 167 ss 1-4; 1895 c 55 s 1; 1891 c 37 s 1; 1890 p 327 s 1.]

Legislative findings—Severability—Effective date—1984 c 287:
See notes following RCW 43.03.220.

RCW 2.32.170 Commission—Powers. The commission shall make recommendations to the supreme court on matters pertaining to the publication of such decisions, in both temporary and permanent forms. The commission shall by July 1, 1997, develop a policy that ensures that if any material prepared pursuant to RCW 2.32.110 is licensed for resale, the material is made available for licensing to all commercial resellers on an equal and nonexclusive basis. [1995 c 257 s 2; 1943 c 185 s 2; Rem. Supp. 1943 s 11071-2. Prior: 1921 c 162 s 1; 1919 c 117 ss 1-3; 1905 c 167 s 5.]

RCW 2.32.180 Superior court reporters—Qualifications—

Appointment—Terms—Oath and bonds. It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges' association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990, or the additional superior court judges authorized by sections 1 through 5, chapter 189, Laws of 1992. Appointment of a stenographic reporter is not required for any additional superior court judge authorized after July 1, 1992. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her

office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington. [1992 c 189 s 6; 1991 c 363 s 2; 1990 c 186 s 3; 1989 c 328 s 4; 1988 c 66 s 3; 1987 c 323 s 4; 1957 c 244 s 1; 1945 c 154 s 1; 1943 c 69 s 1; 1921 c 42 s 1; 1913 c 126 s 1; Rem. Supp. 1945 s 42-1. Formerly RCW 2.32.180, 2.32.190.]

Effective dates—1992 c 189: See note following RCW 2.08.061.

Purpose—1991 c 363: "The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices." [1991 c 363 s 1.]

Captions not law—1991 c 363: "Section headings as used in this act do not constitute any part of the law." [1991 c 363 s 168.]

RCW 2.32.200 Duties of official reporter. It shall be the duty of each official reporter appointed under RCW 2.32.180 through 2.32.310 to attend every term of the superior court in the county or judicial district for which he or she is appointed, at such times as the judge presiding may direct; and upon the trial of any cause in any court, if either party to the suit or action, or his or her attorney, request the services of the official reporter, the presiding judge shall grant such request, or upon his or her own motion such presiding judge may order a full report of the testimony, exceptions taken, and all other oral proceedings; in which case the official reporter shall cause accurate shorthand notes of the oral testimony, exceptions taken, and other oral proceedings had, to be taken, except when the judge and attorneys dispense with his or her services with respect to any portion of the proceedings therein, which notes shall be filed in the office of the clerk of the superior court where such trial is had. [2011 c 336 s 51; 1983 c 3 s 1; 1913 c 126 s 2; RRS s 42-2.]

RCW 2.32.210 Court reporter salaries—Expenses. Each official reporter shall be paid such compensation as shall be fixed, after recommendation by the judges of the judicial district involved, by the legislative authority of the county comprising said judicial district, or by the legislative authorities acting jointly where the judicial district is comprised of more than one county: PROVIDED, That in judicial districts having a total population of forty thousand or more, the salary of an official court reporter shall not be less than sixteen thousand five hundred dollars per annum: PROVIDED FURTHER, That in judicial districts having a total population of twenty-five thousand and under forty thousand, such salary shall not be less than eleven thousand one hundred dollars per annum.

Said compensation shall be paid out of the current expense fund of the county or counties where court is held.

In judicial districts comprising more than one county the council or commissioners thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount

of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his or her actual and necessary expenses of transportation and living expenses when he or she goes on official business to a county of his or her judicial district other than the county in which he or she resides, from the time he or she leaves his or her place of residence until he or she returns thereto, said expense to be paid by the county to which he or she travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his or her own automobile for the purpose of such transportation, he or she shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his or her warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid. [2011 c 336 s 52; 1975 1st ex.s. c 128 s 1; 1972 ex.s. c 18 s 1; 1969 c 95 s 1; 1967 c 20 s 1; 1965 ex.s. c 114 s 1; 1961 c 121 s 1; 1957 c 244 s 2; 1953 c 265 s 1; 1951 c 210 s 1. Prior: 1945 c 24 s 1; 1943 c 69 s 2; 1913 c 126 s 3; Rem. Supp. 1945 s 42-3.]

RCW 2.32.220 Application to lesser judicial districts. If the judge of the superior court in any judicial district having a total population of less than twenty-five thousand finds that the work in such district requires the services of an official court reporter he or she may appoint a person qualified under RCW 2.32.180. [2011 c 336 s 53; 1957 c 244 s 3; 1951 c 210 s 2; 1945 c 24 s 2; Rem. Supp. 1945 s 42-3a.]

RCW 2.32.230 One reporter for two lesser districts. An official court reporter may be appointed to serve two or more judicial districts, each of which has a total population under twenty-five thousand, if the judges thereof so agree, and the salary of such official reporter shall be determined by the total population of all the judicial districts so served in accordance with the schedule of salaries in RCW 2.32.210, and shall be apportioned between the several counties of the districts as therein provided. Such reporter, if appointed, must be qualified to serve, under RCW 2.32.180. [1951 c 210 s 3; 1945 c 24 s 3; Rem. Supp. 1945 s 42-3b.]

RCW 2.32.240 Transcript of testimony—Fee—Forma pauperis. When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.310, if the court, or either party to the suit or action, or his or her attorney, request a transcript, the official reporter employed by the court or other certified court reporter, or an authorized transcriptionist, shall make, or cause to be made, with

reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action, except for transcripts requested for an appellate case. The fees of the official reporter employed by the court or other certified court reporter, or authorized transcriptionist, as defined by supreme court rule, for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through 2.32.310 the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when a party has been judicially determined to have a constitutional right to a transcript and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be made by the official reporter employed by the court or other certified court reporter, or an authorized transcriptionist, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court. [2016 c 74 s 1; 2011 c 336 s 54; 1983 c 3 s 2; 1975 1st ex.s. c 261 s 1; 1972 ex.s. c 111 s 1; 1970 ex.s. c 31 s 1; 1965 c 133 s 3; 1957 c 244 s 4; 1943 c 69 s 4; 1913 c 126 s 5; Rem. Supp. 1943 s 42-5.]

Severability—1965 c 133: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1965 c 133 s 4.]

Indigent party—State to pay costs and fees incident to review by supreme court or court of appeals: RCW 4.88.330.

RCW 2.32.250 Transcript accorded verity. The report of the official reporter employed by the court or other certified court reporter, or authorized transcriptionist, when transcribed and certified as being a correct transcript of the stenographic notes or electronically recorded testimony, or other oral proceedings had in the matter, shall be prima facie a correct statement of such testimony or other oral proceedings had, and the same may thereafter, in any civil cause, be read in evidence as competent testimony, when satisfactory proof is offered to the judge presiding that the witness originally giving such testimony is then dead or without the jurisdiction of the court, subject, however, to all objections the same as though such witness were present and giving such testimony in person. [2016 c 74 s 2; 1913 c 126 s 6; RRS s 42-6.]

RCW 2.32.260 Notes of outgoing reporter may be transcribed—Effect. When the official reporter who has taken notes in any cause, shall thereafter cease to be such official reporter, any transcript thereafter made by him or her therefrom, or made by any competent person under the direction of the court, and duly certified to by the person making the same, under oath, as a full, true and correct

transcript of said notes, the same shall have full force and effect the same as though certified by an official reporter of said court. [2011 c 336 s 55; 1913 c 126 s 7; RRS s 42-7.]

RCW 2.32.270 Reporter pro tempore. In the event of the absence or inability of the official reporter to act, the presiding judge may appoint a competent stenographer to act pro tempore, who shall perform the same duties as the official reporter, and whose report when certified to, shall have the same legal effect as the certified report of the official reporter. The reporter pro tempore shall possess the qualifications and take the oath prescribed for the official reporter, and shall file a like bond, and shall receive the same compensation. [1913 c 126 s 8; RRS s 42-8.]

RCW 2.32.280 Reporter as amanuensis in counties with populations of one hundred twenty-five thousand or more. In all counties or judicial districts, except in any county with a population of one hundred twenty-five thousand or more, such official reporter shall act as amanuensis to the court for which he or she is appointed. [1991 c 363 s 3; 1957 c 244 s 5; 1943 c 69 s 5; 1913 c 126 s 9; Rem. Supp. 1943 s 42-9.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 2.32.290 Court files accessible to reporter. Official reporters or reporters pro tempore may, without order of court, upon giving a proper receipt therefor, procure at all reasonable hours from the office of the clerk of the court, any files or exhibits necessary for use in the preparation of statements of fact or transcribing portions of testimony or proceedings in any cause reported by them. [1913 c 126 s 10; RRS s 42-10.]

RCW 2.32.300 Office space. Suitable office space shall be furnished the official reporter. [1943 c 69 s 6; 1913 c 126 s 11; Rem. Supp. 1943 s 42-11.]

RCW 2.32.310 Other reporting service not precluded. Nothing in this act or any other act or parts of acts or court rule shall be construed to preclude such official reporter from performing other and additional reporting service at any time when such service can be performed without conflict with or prejudice to the duties of the official reporter. [1943 c 69 s 8; Rem. Supp. 1943 s 42-14.]

RCW 2.32.330 Criers and bailiffs. Every court of record shall have the power to appoint a crier and as many bailiffs as may be necessary for the orderly and expeditious dispatch of the business. [1891 c 54 s 13; RRS s 11052.]

RCW 2.32.360 Compensation of superior court bailiffs. Bailiffs of the several superior courts in this state, appointed by the respective judges thereof, shall be paid for their services such salary or per diem as shall be fixed and allowed by the board of county commissioners of the county in which they serve. [1949 c 139 s 1; 1945 c 149 s 1; 1943 c 94 s 1; 1939 c 134 s 1; 1917 c 94 s 1; 1891 c 10 s 1; Rem. Supp. 1949 s 10973. Cf. 1921 c 25 s 1; 1919 c 141 s 1.]

RCW 2.32.370 Payment of compensation. From time to time, the superior judge of the county shall certify the amount due any such bailiff, and order the payment thereof; and thereupon the county auditor shall issue to such bailiff a warrant on the county treasurer, payable out of the general fund [current expense fund], for the amount so certified. [1891 c 10 s 2; RRS s 10975.]