

SEATAC MUNICIPAL COURT

Your City.  Your Court.

“Myths and Misperceptions about the Washington Courts”

Myth: “Judges must appoint attorneys in all cases.”

- When charged with a crime, a person does have a constitutional right to an attorney because in most criminal cases, conviction can lead to the imposition of jail penalties as well as financial penalties. Each person charged with a crime may hire their own legal representation, or if a person qualifies for an attorney at public expense, the court may appoint a public defender.
- If a person is charged with a traffic infraction, the court does not provide an attorney at the public’s expense because it is a civil infraction punishable by financial penalties only. Courts do not provide attorneys at the public expense in most civil matters.
- Judges cannot provide legal advice to people who choose to represent themselves. Judges must remain unbiased, and to give legal advice would be acting as that person’s attorney.

Myth: “Judges have no rules in the courtroom, they can do whatever they want.”

Judges have judicial discretion within a certain framework of laws and rules. Each judge takes an oath to enforce the constitution and federal, state, and local laws and the court is guided by legal decisions of the appellate courts. Judges are also bound by rules of ethics and court rules. Judges consider the facts of each case independently within the framework of the constitution, the laws enacted by the legislative bodies, court rules enacted by the Supreme Court, and case law as decided by the appellate courts. Applying those laws, rules, and legal decisions to each case guide the judge’s decision making.



For felony convictions, the court must impose a jail term that falls within a sentencing grid as set by the legislature, and judicial discretion is limited. Maximum fine penalties are also set by the legislature, and the court may impose restitution and other costs or assessments as allowed by law.



US Supreme Court Chief Justice John Roberts, Jr., administering the Constitutional Oath to Elena Kagan on August 7, 2010



US Supreme Court Justices Sonia Sotomayor, Ruth Bader Ginsburg and Elena Kagan, October 1, 2010.

Myth: “Judges impose bail and fines to make money for the Court(City)(State).”

Bail is set in criminal matters when it a person poses a danger to the community or if a person is unlikely to appear on their promise alone. If a person complies with court orders, bail is returned (minus any administrative costs) to the person who posted the bail.

Fines are a form of punishment imposed by the court when an offense is found committed. The legislative body sets the maximum penalties that may be imposed and any minimum penalties that must be imposed upon a finding of a violation of the law. When determining what fine to impose within those limits set by the legislature, the court may consider a number of factors to determine an appropriate amount, including a person’s history of offenses, the particular facts of the case, and any mitigating factors. For most criminal violations and traffic offenses, the court must also impose assessments mandated by the state legislature. In traffic cases, most fines imposed cover little more than the assessments mandated by the state, unless a person has a history of continued violations. In some cases, the court has discretion in what fine to assess, and in other cases, the court does not have discretion.

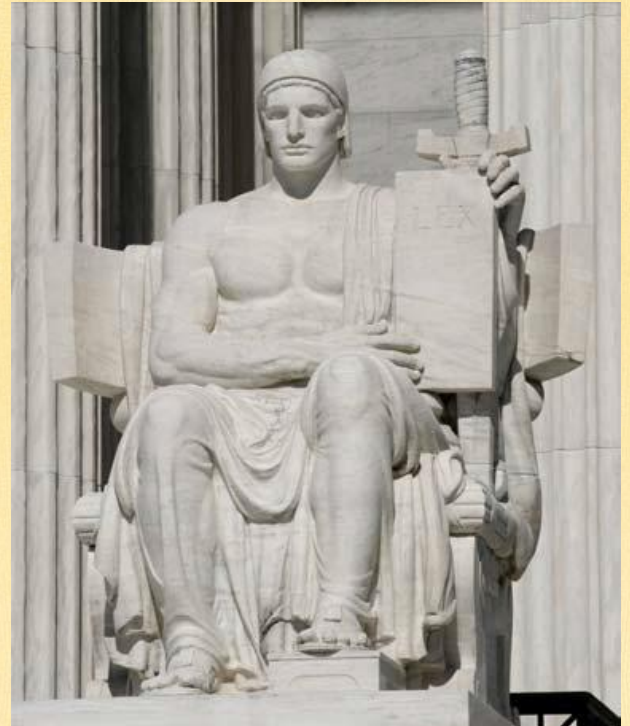
To view a video from Washington’s judicial branch challenging myths about courts and judges, go to:

www.youtube.com/watch?v=vBy43azhWHk

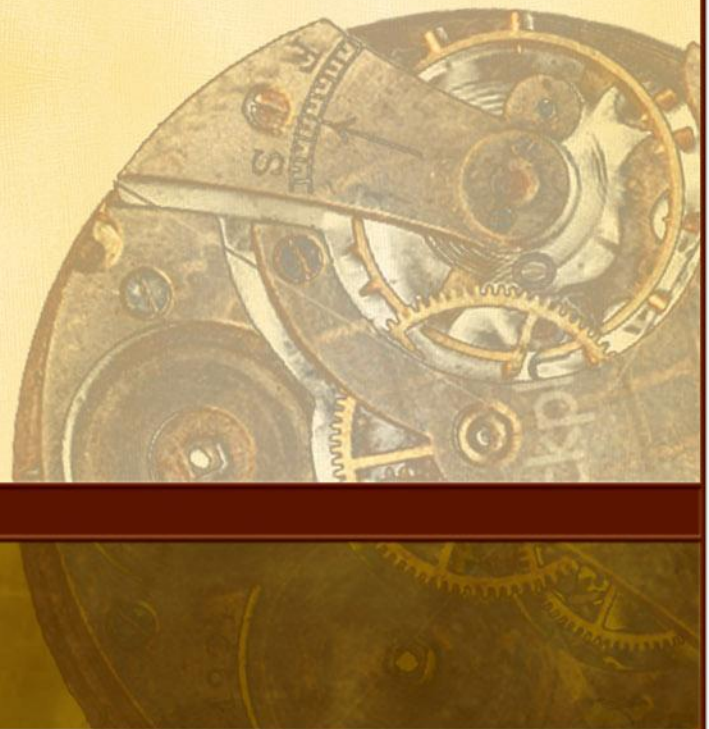
Myth: “Judges only job is deciding cases within the courtroom.”

The job of a judge extends beyond a courtroom. When a judge is not hearing cases within the courtroom, the judge is often working very hard in their chambers. Outside of the courtroom, the judge reviews cases, legal motions, and the latest appellate decisions to keep current on the law. A judge may review correspondence and requests to determine whether additional hearings are appropriate. Judges may also correspond and meet with other judges to keep current on issues affecting courts, especially at the local level. Judges spend quite a bit of time attending to administrative matters, such as court budget preparation and monitoring; court personnel, staffing and union issues; case scheduling issues; and operational issues. Judges often review and adjust court operations when necessary or appropriate to save time and cost expenditures. Judges may need to appear before the legislative branch of government to present issues that impact the court. Judges also attend continuing education courses to keep updated on changes in the law and case decisions impacting the courts. Additionally, many judges perform community outreach, to educate students within their community on the constitution, the law, and employment opportunities within the court system.

Judges care deeply about the community they serve. Whether serving within the courtroom or their chambers, judges take their role of defending the constitution and the rule of law very seriously. This serves to protect both the rights of individuals and the community at large.



The “Authority of Law” statue sits to the right of the main steps of the United States Supreme Court. The Latin word for law, “LEX,” is inscribed on the tablet. Also called the Guardian or Executor of Law, “(h)e waits with concentrated attention, holding in his left hand the tablet of laws, backed by the sheathed sword, symbolic of enforcement through law.” – James Earle Fraser, sculptor.





The “Contemplation of Justice statue sits to the left of the main steps of the United States Supreme Court and represents what the sculptor James Earle Fraser describes as a “heroic type of person with a head and body expressive of the beauty and intelligence of justice.” A book of laws supports her left arm and a figure of blindfolded Justice is in her right hand.

Washington State Law Library online: Easier, more interactive

The Washington State Law Library launched a redesigned web site that allows visitors to search the library’s catalog, chat with law library staff members, submit reference questions, request documents, research online legal resources, take a photo tour and more. Visit the Web site at <http://www.courts.wa.gov/library/?fa=library.home>



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