

The Supreme Court  
State of Washington

GERRY L. ALEXANDER  
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October 28, 2008

Honorable Bruce W. Hilyer  
King County Superior Court  
516 3rd Avenue, Room C-203  
Seattle, WA 98104-2361

Dear Judge Hilyer:

At a time of budgetary constraint, the judiciary should and is willing to economize in any way practical. However, the closure of courts, even for short periods of time, raises significant constitutional and statutory concerns.

With that in mind, I will respond to your question about whether a superior court can accede to a request by a county government to close the court for a period of time, which would include judicial days. My answer to that question is no. I point out in support of this position that the superior court is a state court. It is not a county department. This court derives its authority from article IV of the Washington Constitution. Section 6 of that article provides that the superior court "shall always be open, except on nonjudicial days." One year after the constitution was adopted, the legislature passed a statute, now codified as RCW 2.08.030, which contains language identical to that in the aforementioned provision in the constitution.

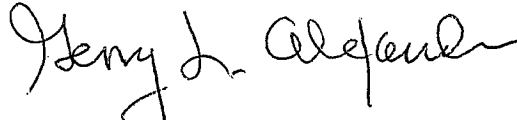
This court has adopted a court rule, GR 21, which allows courts of all levels to be closed if "weather, technological failure or other hazardous or emergency conditions or events" threaten the safety and welfare of employees. This rule would not, in my judgment, apply to the situation that has developed in your county as you have described it to me.

In sum, courts in Washington derive their authority from the state constitution, which has dictated that they may be closed only on nonjudicial days (weekends and

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recognized holidays). We have taken an oath to uphold that constitution and the duty to do so cannot be forsworn.

Sincerely,

A handwritten signature in black ink that reads "Gerry L. Alexander". The signature is written in a cursive style with a large initial "G".

Gerry L. Alexander  
Chief Justice

cc: Washington Supreme Court Justices  
Mr. Jeff Hall, State Court administrator