

HOUSE BILL REPORT

HB 2082

*As Reported By House Committee on:
Judiciary*

Title: An act relating to district courts.

Brief Description: Changing provisions relating to district court judges.

Sponsor(s): Representative Appelwick.

Brief History:

Reported by House Committee on:
Judiciary, March 1, 1991, DP.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Jeff Fishel (786-7191).

Background: Under current law, a person who is not a Washington State Bar Association member may qualify to be a candidate for district court judge by having been elected previously or, if the position is in a court district with less than 10,000 people, by passing a qualifying exam.

Under rules adopted by the state Supreme Court, decisions by district court judges who are not members of the state bar may be ignored on appeal to superior court and the case retried before a new jury.

If a person wins election to a district court position, the statute provides that he or she is granted sick leave "in the same manner as other county employees." The quoted language has been used as the basis for claiming application of accrued sick leave toward a judge's retirement benefits.

Summary of Bill: The bill drops the population of a district court district where a lay judge can qualify by examination from 10,000 to 5,000. This change would require most district court judges to be attorneys, but would

grandfather in all lay district court judges in office on the effective date of the act.

A county must grant sick leave to a district court judge if the judge becomes ill or injured. The possible implication that a judge's sick leave may be accumulated for retirement is removed.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is a cost saving measure for rural or poorer counties. These counties cannot afford the expense of retrying cases on appeal to superior court that were tried under a lay district court judge. In addition, these counties cannot afford to pay accrued sick leave to elected officials.

Testimony Against: None.

Witnesses: Judge Robert McBeth, Washington State Magistrates Association; and Kurt Sharar, Washington Association of Counties (pro).