

HOUSE BILL REPORT

HB 1824

*As Reported By House Committee on:
Judiciary*

Title: An act relating to district court jurisdiction.

Brief Description: Changing district courts' jurisdiction.

Sponsor(s): Representative Appelwick.

Brief History:

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

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1824 be substituted therefor, and the substitute bill do pass.*
Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Inslee; Locke; Mielke; H. Myers; Riley; Scott; Tate; Vance; and Wineberry.

Minority Report: *Do not pass.* Signed by 1 member:
Representative R. Meyers.

Staff: Bill Perry (786-7123).

Background: A complex set of constitutional provisions and court decisions govern the question of jurisdiction in trial courts. The superior courts in this state are courts of general jurisdiction, which means that superior courts may hear any case the jurisdiction of which has not been conferred on some other court. District courts, on the other hand, are courts of limited jurisdiction, which means that they have jurisdiction only over matters specifically assigned to them by statute.

There are many matters over which the Legislature clearly may assign concurrent jurisdiction to both the superior and district courts. For most civil lawsuits, the Legislature may provide for jurisdiction based on the dollar amount involved in the suit. Currently, district courts have jurisdiction over civil suits involving \$10,000 or less. Based on somewhat ambiguous case law, however, it appears that other matters are in the exclusive jurisdiction of the

superior courts. These matters over which the superior courts have exclusive jurisdiction are identified in the state constitution. They include all cases involving felonies, the title or possession of real property, taxes, bankruptcy, nuisances, probate or divorce, and all cases in "equity."

Cases in equity cover a range of matters that courts of law historically could not handle. Equity cases include, among other things, actions for injunctions or restraining orders. The issuance of protective orders, such as those authorized in domestic violence and anti-harassment cases, is an exercise of equity jurisdiction. Some superior courts have been faced with increasingly large numbers of these protective order actions. Proposals have been considered that would allow these cases to be heard in district court. However, because of the constitution, these cases may be heard only in superior court.

The Commission on Washington Trial Courts, among others, has recommended that certain other kinds of cases should also be handled by district courts. These cases generally tend to be relatively high volume but also tend to require relatively little time per case. Examples of recommended cases include lien foreclosures and name changes.

Summary of Substitute Bill: Some aspects of district court civil jurisdiction are changed. The limit on the amount in controversy that may be heard in district court is raised from \$10,000 to \$25,000. District courts are given jurisdiction over anti-harassment orders, name changes and lien foreclosures involving personal property or crops.

With respect to anti-harassment orders, this measure is conditioned on the passage of a constitutional amendment (HJR 4221) which would remove cases in equity from the exclusive jurisdiction of the superior courts.

Substitute Bill Compared to Original Bill: The substitute makes only the anti-harassment provisions dependent on the approval of HJR 4221. The entire original bill is dependent on approval of the constitutional amendment.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect July 1, 1991, except for provisions on anti-harassment orders which take effect upon voter approval of HJR 4221.

Testimony For: These high volume cases generally are not overly complex and do not take a great deal of time per case. They are ideally suited to the district courts, and

the transfer of jurisdiction will help relieve superior court congestion.

Testimony Against: None.

Witnesses: William Gates, Washington Commission on Trial Courts (in favor); Robert McBeth, Washington State Magistrates Association (in favor); David Kerruish, Seattle-King County Bar Association (in favor); and Tom Chambers, Washington State Bar Association (in favor of raising jurisdictional limit to \$25,000).