

HOUSE BILL REPORT

HJR 4221

*As Reported By House Committee on:
Judiciary*

Brief Description: Amending the Constitution to remove cases in equity from the exclusive original jurisdiction of the superior courts.

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 Joint Resolution No. 4221 be substituted therefor, and the substitute joint resolution 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 some matters over which the Legislature clearly may assign concurrent jurisdiction to both the superior and district courts. 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.

Summary of Substitute Bill: The constitution is amended to remove cases in equity from the designated original jurisdiction of the superior courts.

Substitute Bill Compared to Original Bill: The substitute makes a technical addition to the resolution to include the requirement for publication of the proposed constitutional amendment.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Upon approval by the voters at the next general election.

Testimony For: Expansion of the jurisdiction of district courts is an important part of better management of workloads in the state's trial courts. This constitutional amendment will allow some of that expansion.

Testimony Against: None.

Witnesses: William Gates, Washington Commission on Trial Courts (in favor); Robert McBeth, Washington State Magistrates Association (in favor); and David Kerruish, Seattle-King County Bar Association (in favor).