

SENATE BILL REPORT

ESHB 1881

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 3, 1991

Brief Description: Changing the method for determining the number of district court judges.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers).

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, and A. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: April 2, 1991; April 3, 1991

BACKGROUND:

The base number of district court judges for each county is set by statute. Under another statute a county may by resolution add one more full-time district judge, but otherwise is limited to adding new judges only when there is an increase in the population of the court's district.

A district court judge who serves a district of 40,000 or more people, or who is paid more than \$40,000, must be a full-time judge. Other judges are part-time and may have other jobs or professions.

In 1987, the Legislature required the Administrator for the Courts to study how a weighted caseload analysis may be used to determine the number of district judge positions and to present recommendations to the Legislature by January 1, 1989. The 1987 act stated that it is the intent of the Legislature that the weighted caseload method be the basis for determining additional district court positions.

The Administrator for the Courts currently determines the need for superior court judges using the weighted caseload analysis. The Administrator for the Courts is under the direct supervision of the Supreme Court.

SUMMARY:

After January 1, 1992, any changes in the number of district court judges will be determined by the weighted caseload analysis. The Supreme Court must develop and present to the

Legislature by December 1, 1991, documentation of the number of full and part-time district judges and a process to implement the analysis.

Based on the data collected, the Supreme Court will recommend to the Senate Law and Justice Committee and the House Judiciary Committee that the number of district court judges in a particular county be increased or decreased. Along with each recommendation, the Administrator for the Courts must provide a state and local cost analysis. If new positions are recommended and adopted by the Legislature, a county must approve the additions and agree to pay for them before the positions become effective. The county may pay for the new positions with funds from the criminal justice account. The county may phase in a new position over two years from when the position becomes effective. If a county wishes to change the number of its district court judges, it must request the aid of the Supreme Court.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The only method for the number of district court judges to increase is if the population of the district court district increases or if the Legislature amends the statute to increase the base number. The weighted caseload analysis enables counties to keep up with the demand for district court time and accomplishes the intent of the Legislature expressed in 1987.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Marlin Appelwick, prime sponsor; Judge Gary Utigard, Municipal and District Court Judges Assn.; William H. Gates, Chair, Commission on WA Trial Courts; Rick Wickman, Kurt Sharar, Assn. of Counties