

HOUSE BILL REPORT

HB 1734

As Reported By House Committee On:
Judiciary
Appropriations

Title: An act relating to adding new judges to the court of appeals.

Brief Description: Adding new judges to the court of appeals.

Sponsors: Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson; by request of Administrator for the Courts.

Brief History:

Reported by House Committee on:
Judiciary, February 23, 1993, DPS;
Appropriations, March 6, 1993, DPS(JUD-A APP).

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: The state Court of Appeals is divided into three divisions. The divisions are designated as 1, 2 and 3, and are respectively headquartered in Seattle, Tacoma, and Spokane. Each of the divisions is further subdivided into three districts.

There are currently 17 judges on the Court of Appeals. Division 1; Seattle, has nine judges, Division 2; Tacoma, and 3; Spokane, each have four judges.

Judges of the Court of Appeals are elected by district to six-year terms. They must be residents of the districts from which they are elected, and must have been admitted to the practice of law in this state for at least five years.

Periodically, the Office of the Administrator for the Courts analyzes the workloads of the various levels of state courts. The office is recommending increases in the number of judges in each of the divisions of the Court of Appeals.

Summary of Substitute Bill: The number of judges on the Court of Appeals is increased by six, from 17 to 23.

The number of judges in the 1st Division, Seattle, is increased by three, from nine to 12. Two of the new judges are assigned to District 1 of the 1st Division, which is King County. These two positions take effect January 1, 1994. The other new judge is assigned to District 3, which is Island, San Juan, Skagit, and Whatcom counties. This new position takes effect July 1, 1996.

The number of judges in the 2nd Division, Tacoma, is increased by two, from four to six. One of the new judges is assigned to District 2 of the 2nd Division, which is Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties. This new position takes effect July 1, 1993. The other new judge is assigned to District 3, which is Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties. This new position also takes effect July 1, 1993.

The number of judges in the 3rd Division, Spokane, is increased by one, from four to five. The new judge is assigned to District 3 of the 3rd Division, which is Chelan, Douglas, Kittitas, Klickitat, and Yakima counties. This new position takes effect July 1, 1994.

Upon the effective date of each new position, it is to be filled by appointment by the governor. At the next general election following the appointment, the position will be filled by election.

The new positions are dependent upon funding in the budget for the biennium in which they are to take effect.

Substitute Bill Compared to Original Bill: The substitute adds the provision making the new positions dependent on funding.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The caseload of the Court of Appeals has increased substantially. The court has done everything possible to increase efficiency with its current resources.

Without this bill serious delays will occur in administering justice.

Testimony Against: None.

Witnesses: Judges Ken Grosse, John Petrich, and Walter Webster, Court of Appeals (all pro).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass. Signed by 25 members: Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Judiciary: The effective date for each new judge is deleted. The null and void provision is deleted. A new provision is added that requires each new position be funded in an appropriations act before that position becomes effective. The terms of positions which become effective shall be six years. Those six year terms shall be staggered in six year cycles to avoid having all the judges run for reelection in the same year. If a position becomes effective before the beginning of a new six year term, the judge will serve a partial term which ends the second Monday in January following the election which triggers the next full term. The governor will appoint judges as the positions become effective. The appointed judges and other judicial candidates may run for election at the next general election held in November.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately. However, the new positions only become effective when funding is provided in the budget.

Testimony For: The Court of Appeals is unable to keep up with the caseload. The court has done everything possible to increase efficiency with its current resources but a backlog is developing. Authorizing new judgeships will help. Recognizing the budget situation and the need to

prioritize, we are requesting the Division 2 positions be funded first.

Testimony Against: None.

Witnesses: Gerry Alexander and Dean Morgan, Court of Appeals (pro).