

FINAL BILL REPORT

SSB 5295

C 352 L 97
Synopsis as Enacted

Brief Description: Revising district court procedures regarding small claims and appeals.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach, Goings, Kohl, Wojahn, Zarelli, Schow and Patterson).

Senate Committee on Law & Justice
House Committee on Law & Justice

Background: Over the years the actual practice in small claims proceedings in district courts has departed somewhat from the statutory language; certain provisions have become obsolete and archaic; or outdated language has led to ambiguities and confusion. Revisions and an update to small claims procedures is thought to be necessary so that small claims courts will continue to provide a simple, accessible, expedited process used by lay persons to resolve small disputes.

Summary: The court's ability to hold a trial on a day other than the first appearance of the parties, and its ability to encourage mediation and other alternative dispute resolution methods is clarified.

Service of small claims-related, pretrial information is allowed, and a timeliness of service requirement (10 days prior to first appearance) is added. Service of small claims process with other process is forbidden.

An attorney or legal paraprofessional may advise, but not appear for or participate with, a party in small claims court without the permission of the court, except in the case of a plaintiff corporation represented by an attorney or legal paraprofessional which is transferred to small claims court by a defendant.

The bar to an appeal from a judgment of a small claims court is raised from \$100 to \$250. A method to set aside default judgments using the district court civil rules is provided.

Archaic or outdated language in several sections is revised or deleted.

Votes on Final Passage:

Senate	46	1	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 27, 1997