

SENATE BILL REPORT

SSB 5295

As Passed Senate, March 6, 1997

Title: An act relating to district court proceedings.

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).

Brief History:

Committee Activity: Law & Justice: 2/3/97, 2/10/97 [DPS].
Passed Senate, 3/6/97, 46-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Long and Zarelli.

Staff: Mal Murphy (786-7412)

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courts has departed somewhat from the statutory language; certain provisions have become obsolete and archaic; or outdated language has led to ambiguities and confusion.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 of Bill: 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.

Witnesses are allowed to testify by affidavit with leave of the court.

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Archaic or outdated language in several sections is revised or deleted.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: With the exception of raising the appeal bar from \$100 to \$250, the bill does not change anything in the law. It merely clarifies and removes ambiguities from present law, conforms statutory procedure with case law and appellate procedure, and conforms the statute with current practice.

Testimony Against: None.

Testified: Gene Willett, Skagit County District Court Commissioner, District and Municipal Court Judges Association (pro).

House Amendment(s): The authority for the small claims court, upon motion of a party, to allow testimony to be presented in the form of a sworn affidavit is removed.