

HOUSE BILL REPORT

HB 2898

As Reported By House Committee On:
Judiciary

Title: An act relating to court reform.

Brief Description: Allowing counties the option of creating a single trial court system.

Sponsors: Representatives Hurst, Delvin, Dickerson, Tokuda, Constantine, Santos, Lambert, Poulsen, Esser, McIntire, Fisher, Radcliff, H. Sommers, Barlean, Lantz, Kastama, Kenney, Hankins, Dunshee, Reardon, Wolfe, Edwards and Ogden.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DP].

Brief Summary of Bill

- Allows a county's trial court judges to vote to consolidate all courts as superior courts.
- Provides procedures for turning district and municipal court judicial positions into superior court positions in any county in which judges choose consolidation.
- Makes various changes that apply to all trial courts, whether or not they choose consolidation, including increasing juror pay, increasing small claims court jurisdiction, and requiring the use of facilitators.
- Directs studies of various aspects of the court system.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

The Washington State Constitution provides for the establishment of superior courts and grants the Legislature the authority to create other courts of limited jurisdiction to handle civil and criminal cases. In general, superior courts have jurisdiction in all criminal cases amounting to a felony; civil matters involving dollar amounts over \$35,000; title or possession of real property; legality of a tax; probate and domestic relations; and juvenile matters. Superior courts also hear appeals from courts of limited jurisdiction.

District courts have concurrent jurisdiction with superior courts in misdemeanor and gross misdemeanor actions and in civil actions involving \$35,000 or less. The district courts have jurisdiction in all matters involving traffic, non-traffic, and parking ordinances. In addition, district courts handle orders for domestic violence protection and civil anti-harassment matters.

Municipal courts have jurisdiction over violations of city ordinances, which can involve misdemeanor and gross misdemeanor actions, parking, traffic, and non-traffic violations, and orders for domestic violence protection and civil anti-harassment.

There are currently 171 superior court judges, 85 district court judges, and 27 municipal court judges who are elected to four-year terms in full-time judicial positions.

Summary of Bill:

The Court Reform Act of 2000 is enacted. The full-time elected trial court judges in any county may vote to consolidate all superior, district, and municipal courts. Procedures are provided for the transition of district and municipal judicial positions into superior court positions in any county choosing consolidation. Several changes are made with respect to all courts, whether or not a county chooses to consolidate.

Optional Unification in Each County. Beginning July 1, 2001, a majority of the full-time elected superior, district, and municipal court judges in any county may choose to consolidate. A decision to consolidate is irrevocable.

Transition Provisions. In a county choosing consolidation, all judicial positions in the district and municipal courts become superior court positions. By majority vote, the judges are to determine when the consolidation is to take place and are to elect a presiding judge to a two-year term. When implementation begins:

- District and municipal judges assume the authority of superior court judges while serving out the remainder of their district or municipal terms of office. Following the expiration of those terms, the positions become superior court positions to be filled by election.

- Superior courts assume jurisdiction over all matters previously handled by the district and municipal courts.
- The presiding judge of the superior court makes administrative provision for the transfer of personnel from the district or municipal court to the superior court and for the transfer of pending actions to the superior court.
- The filing fees for cases that meet the jurisdictional requirements for district or municipal court will remain the same when those cases are filed in superior court.
- All judges are paid the same amount and in the same manner as superior court judges.

Other Provisions. Provisions that apply whether or not a county's judges vote for consolidation include:

- Increasing juror pay from \$25 to \$50 per day.
- Raising small claims court jurisdiction from \$2,500 to \$10,000.
- Requiring a courthouse facilitator in every court and at least one per each 10 judges.
- Creating the office of marshal to enforce court orders.
- Allowing the presiding judge to create alternative dispute resolution programs and nontraditional adjudication proceedings.
- Allowing the supreme court to alter filing fees in counties that adopt electronic filing or other efficiency programs.
- Directing the Board for Judicial Administration to study the impact of the act and to make recommendations for the use of nonjudicial personnel in processing cases.
- Directing the Joint Legislative Accountability and Review Committee to conduct a fiscal review of the court system.
- Directing the Washington State Institute for Public Policy to recommend possible decriminalization of offenses.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Sections 2 through 28, 30, and 32, relating to forming an optional single trial court system, take effect on July 1, 2001. The remainder of the act takes effect 90 days after adjournment of the session in which the bill is passed.

Testimony For: Any number of studies have identified problems with the current structure and administration of the judicial system. These studies have recommended various forms of reform, but little has been done to implement the recommendations. It is unlikely that the judicial system can reform itself from within. It is time for the Legislature to act and create some external pressure for change. The bill does not impose statewide consolidation of courts, but rather allows the decision to be made at the local level.

Testimony Against: The bill is unworkable in its present form. There are many unanswered questions such as: What becomes of part-time non-elected municipal judges in a county that votes to consolidate? How will civil matters currently handled in municipal courts be dealt with? Will DUI and other offenses be charged under local ordinances or state law? This kind of change cannot be made without the input of all affected parties. The bill allows the judicial branch at the local level to make changes that will have to be administered and paid for by the local legislative and executive branches. The bill cannot produce a more efficient judiciary when all courts become superior courts, since they are the most expensive of the trial courts. It's not true that nothing has been done to reform the courts. Many of the recommendations of the several studies that have been done have in fact been implemented over the years.

Testified: (In support) Representative Hurst, prime sponsor; and Justice Phil Talmadge.

(Opposed) Dan Heid, Lakewood City Attorney; Judge Dan Berschauer, Superior Court Judges Association; and Chuck Foster, Board for Judicial Administration.

(Concerns) Tom McBride, Washington Association of Prosecuting Attorneys; Diane Oberquell, Thurston County Commissioner; Betty Gould, Washington Association of County Clerks; and Pam Daniels, Snohomish County Clerk.