

# SENATE BILL REPORT

## SB 6191

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As Reported By Senate Committee On:  
Judiciary, February 4, 2000

**Title:** An act relating to court reform.

**Brief Description:** Allowing judges of a county the option of creating a single trial court system.

**Sponsors:** Senators McCaslin and Heavey.

**Brief History:**

**Committee Activity:** Judiciary: 1/21/2000, 2/4/2000 [DP, DNP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin and Thibaudeau.

**Minority Report:** Do not pass.

Signed by Senators Roach and Zarelli.

**Staff:** Dick Armstrong (786-7460)

**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, nontraffic 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 nontraffic violations, and orders for domestic violence protection and civil anti-harassment.

There are 171 superior court judges elected to four-year terms. There are 85 elected full-time district court judges elected to four-year terms and 27 elected full-time municipal court judges elected to four-year terms.

In 1990, the American Bar Association recommended that states adopt a single trial court level, with specialized procedures and divisions to accommodate various types of criminal, civil, and family matters including alternative dispute resolution processes.

**Summary of Bill:** The Court Reform Act of 2000 is enacted. A majority of the full-time elected superior, district, and municipal court judges in any county may choose to consolidate judicial functions into a single trial court. In a county choosing consolidation, all judicial positions in the district and municipal courts become superior court positions. District and municipal judges assume the authority of superior court judges. The judges serve out the remainder of their district or municipal terms of office and then their 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 and municipal court to the superior court and for the transfer of pending actions to the superior court. All judges are paid the same amount and in the same manner as superior court judges.

Filing fees for cases that meet the jurisdiction requirements for district and municipal court remain the same when those cases are filed in superior court.

The following provisions apply whether or not the county's judges vote for consolidation:

- The compensation of jurors is increased from \$25 to \$50 per day.
- Small claims court jurisdiction is increased from \$2,500 to \$10,000.
- Courthouse facilitators are required in every court.
- The Office of Marshal is created to enforce court orders.
- The presiding judge is allowed to create alternative dispute resolution programs and nontraditional adjudication proceedings.
- The Supreme Court is allowed to alter filing fees in counties that adopt electronic filing or other efficiency programs.
- The Board of Judicial Administration is directed to study the impact of the act and to make recommendations for the use of nonjudicial personnel in processing cases.
- The Joint Legislative Accountability and Review Committee is to conduct a fiscal review of the court system.
- The Washington State Institute for Public Policy is to recommend possible decriminalization of offenses.

Provisions relating to forming an optional single trial court system take effect on July 1, 2001.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except provisions relating to forming an optional single trial court system take effect on July 1, 2001.

**Testimony For:** The judiciary is in a crisis. Courts are coming close to not being able to do the business of the courts. Criminal case filings are way up and civil cases are not getting a date for court for three years. There are over 300,000 unenforced court warrants. There are over 16,000 truancy petitions. As to jury summons, 80 percent of the citizens getting a jury summons are not showing up. Sixty percent of family law petitioners do not have an attorney representing them. Why change the system? The patchwork of courts is needlessly complex. There is no need to separate staffs for administering jury systems. There are over 1,650 appeals filed from district court to the superior court. Problems need to be solved; we have had too many studies already.

The present system is too bifurcated and does not have cohesion. This type of bill is needed to move cases through the system.

There is an important dialogue that needs to be done. City and county officials need to be represented at the table. It should not be just the judiciary making the decisions.

There are significant cost issues. The bill needs to be studied in great detail to sort out all of the costs to the counties.

**Testimony Against:** The Board of Judicial Administration, representing all levels of courts, supports the concept of the bill because there are many good aspects of the bill. The board is concerned with judicial resource allocation and efficiency. Management of the courts is important. Consolidation is a complex issue, and has revenue implications for local governments. But the changes in this bill are so significant that they need study by the board. A study will allow better evaluation and avoid unintended consequences. The judiciary will undertake an effort to determine the best way to operate the court system. There are areas of law that the judiciary must recognize as consuming large amounts of time and resources.

Judges want to have a court system that handles cases in an efficient manner, but there is great concern that this bill is too great a step at one time.

The effect on counties, and the cost to the counties, is unknown and there are too many unanswered questions. Who is entitled to a 12-person jury? Does every case, no matter how small, deserve to have a 12-person jury? Will the court rules be rewritten in time to implement this type of a massive change? The area of costs need to be sorted out so that everyone knows what they are paying for, and how much money is coming in from the state. Another issue is whether the counties are going to be responsible for enforcing municipal codes even though they are not being paid by the cities for such costs.

**Testified:** PRO: Justice Phil Talmadge; Judge Kip Stilz; CON: Chief Justice Guy; Judge Jim Murphy; Judge Peter Lukevich; Tom McBride, WAPA; Diane Oberquell, Assn. of Counties; Dean Logen, Kitsap County Clerk.