

HOUSE BILL REPORT

HB 1668

As Passed Legislature

Title: An act relating to the administrative office of the courts.

Brief Description: Changing provisions relating to the administrative office of the courts.

Sponsors: By Representatives Lantz and Priest; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 2/8/05 [DP].

Floor Activity:

Passed House: 2/28/05, 90-0.

Passed Senate: 4/14/05, 39-0.

Passed Legislature.

Brief Summary of Bill

- Changes the name of the Office of the Administrator for the Courts to the Administrative Office of the Courts.
- Removes the requirement that the administrator be appointed from a list of people recommended by the Governor and that the administrator not be over the age of 60 at the time of appointment.
- Authorizes the administrator and assistants to provide pro bono and family legal services.
- Changes the methodology for determining judicial need from a "weighted caseload analysis" to an "objective workload analysis."
- Instructs the administrator to use state funds for improving the operation of the courts and to provide support for court coordinating councils.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

The Administrator for the Courts (administrator) is appointed by the Washington Supreme Court from a list of five persons submitted by the Governor. The administrator is charged with administering various aspects of the state court system, such as fostering court efficiency, training personnel, designing forms, developing standards, and controlling costs. Neither the administrator nor assistants may practice law during their tenure with the Office of the Administrator for the Courts. In addition, the administrator may not be over the age of 60 when appointed to office.

One of the duties of the administrator is to examine the need for new superior court and district court judicial positions. The administrator must use a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. In 2002, the Legislature changed the method for determining the need for new district court judges from the weighted caseload analysis to an "objective workload analysis," but did not enact this change with respect to superior court judge positions. The objective workload analysis takes into consideration the available judicial resources and caseload activity of each court.

In 2000, the Board for Judicial Administration formed the Project 2001 Committee to study and make recommendations on ways to improve the operation of the courts. The final report of the Project 2001 Committee calls on the Board for Judicial Administration to promote the establishment of court coordination councils in each jurisdiction, to be composed of trial court judges, clerks, court administrators, lawyers, citizens, and other local officials. The councils are to work toward maximum utilization of judicial and other court resources by first developing and then implementing comprehensive trial court coordination plans.

Summary of Bill:

A variety of changes are made with respect to the Office of the Administrator for the Courts relating to the office's functions and duties.

The name of the Office of the Administrator for the Courts is changed to the Administrative Office of the Courts (AOC). References throughout the code are changed to reflect the name change.

The requirement that the Administrator of the Courts is appointed from a list of five persons submitted by the Governor is removed so that the administrator is simply appointed by the Supreme Court. In addition, the requirement that the administrator not be over 60 years old at the time of appointment is removed. The administrator and his or her assistants are authorized to practice law to provide pro bono legal services and legal services to family members, as long as the legal services do not interfere with official duties.

The weighted caseload analysis that is used by the administrator to examine the need for new judicial positions is replaced with an "objective workload analysis."

The duties of the administrator are amended to include using state funds to improve the operation of the courts and providing support for court coordinating councils.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Changing the name to the Administrative Office of the Courts more accurately reflects the purpose and function of the office and conforms with the name of all other state court administrative offices. The bill also removes the age restriction for the administrator and allows attorneys in the office to provide charitable and family legal services, which is currently the law for prosecutors. The AOC is using a more efficient and cost-effective method of determining judicial need than the old weighted caseload analysis, and the statute is amended to reflect that. Also, if the Legislature appropriates funds for the use of trial court coordinating councils, the bill specifically gives the AOC the authority to distribute those funds for that purpose.

Testimony Against: None.

Persons Testifying: Representative Lantz, prime sponsor; and Janet McLane, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: None.