

SENATE BILL REPORT

SB 5015

As of January 20, 2005

Title: An act relating to creating a nonpartisan judicial commission.

Brief Description: Creating a nonpartisan judicial commission.

Sponsors: Senators Jacobsen and Deccio.

Brief History:

Committee Activity: Judiciary: 1/19/05.

SENATE COMMITTEE ON JUDICIARY

Staff: Lilah Amos (786-7429)

Background: When a vacancy occurs on the state supreme court or in one of the appellate courts, the governor appoints a replacement to serve until the next general election. The person who is elected will serve for the remainder of the unexpired term. The state constitution and statutes govern the method of filling a supreme court vacancy, whereas statutory law governs vacancies in appellate courts.

Those persons appointed or elected as a justice of the supreme court, or a judge of an appellate or superior court must be admitted to the practice of law in Washington. A judge of the court of appeals must have been admitted to the practice of law for at least five years and must have been a resident of the appellate court district for which the position was created for one year.

Summary of Bill: A nonpartisan judicial commission is established. The commission will nominate three persons to fill any vacancy occurring in the supreme court or an appellate court. The governor must appoint one of the three nominees to fill the vacancy. If the governor fails to make the appointment within sixty days after the list of nominees is submitted, the commission must appoint one of the nominees to fill the vacancy.

The judicial commission will consist of seven persons. One member will be a justice of the supreme court, selected by members of the supreme court. Three members of the commission will be state bar association members, selected by that association from each of the three appellate divisions of the court of appeals. The remaining three members will be selected by the governor, must be residents of each of the three divisions of the court of appeals, and cannot be members of the state bar association. Other than a judge, no commission member can hold public office or an official position in a political party.

Members of the commission will serve six-year terms. Initially, terms of commission members will be staggered. One bar association member and one appointee who is not a bar association member will each be appointed to two-year terms, and one member from each of those groups will be appointed to four-year terms. The remaining three commission members will be appointed to six-year terms.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

Effective Date: The bill takes effect only if the proposed constitutional amendment is approved and ratified by the voters in the next general election. If the amendment is not ratified, the bill is null and void.

Testimony For: Most judges in Washington appellate courts are first appointed to the position and subsequently prevail in an election. Consequently, it is important to insure that these appointments are based on the merit of the candidate rather than partisan or personal considerations. It is also important to involve non-lawyers in the selection process. Thirty-three states use a similar merit selection process to choose their appellate judges.

Testimony Against: None

Who Testified: PRO: Senator Ken Jacobson (prime sponsor); Charles Wiggins.