

SENATE BILL REPORT

SHB 1205

As Reported by Senate Committee On:
Judiciary, March 24, 2009

Title: An act relating to changing the number of court of appeals judges.

Brief Description: Adding one judge to division two of the court of appeals.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Van De Wege, Rolfes, Haigh and Williams; by request of Board For Judicial Administration).

Brief History: Passed House: 3/05/09, 96-1.

Committee Activity: Judiciary: 3/20/09, 3/24/09 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles and Tom.

Staff: Juliana Roe (786-7438)

Background: The court of appeals is a nondiscretionary appellate court. As such, it must hear all cases filed with the court. The court of appeals hears all appeals from superior court decisions except for those that are appealed directly to the Supreme Court. There are three divisions of the court of appeals, headquartered in Seattle, Tacoma, and Spokane. Each division is further divided into three geographic districts. Each judge is elected by district to a six-year term, must be a resident of the district from which that judge is elected, and must have been admitted to the practice of law in this state for at least five years.

Division II of the Court of Appeals is located in Tacoma and has a total of seven judge positions allocated to three districts, as follows:

- three judges in District 1, which consists of Pierce County;
- two judges in District 2, which consists of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston Counties; and
- two judges in District 3, which consists of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum Counties.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Division II of the Court of Appeals is authorized to increase the number of its judges from seven to eight. The new judge position is allocated to District 2, increasing the number of judge positions for District 2 from two to three.

The new judicial position created will become effective only if that position is specifically funded and is referenced by division and district in an omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The section relating to funding was included in this bill by the House Ways and Means Committee. In 1993 there was a similar section in a bill that requested an additional judge for Division I. That position remains outstanding. Therefore, there should be no problem with the inclusion of that language in this bill.

This bill is important because there is an under-supply of judges in the Court of Appeals. It is difficult to complete cases in a timely manner. The population has dramatically increased in this division. Each judge currently writes approximately 90 to 100 cases per year. Justice is being delayed and, therefore, denied.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration; Judge Christine Quinn-Brintnall, Court of Appeals; Judge C.C. Bridgewater, Chief Presiding Judge for Court of Appeals.