

SENATE BILL REPORT

SB 6088

As Reported by Senate Committee On:
Law & Justice, February 3, 2014

Title: An act relating to the size of the state supreme court.

Brief Description: Reducing the size of the state supreme court.

Sponsors: Senators Baumgartner, Padden, Brown and Honeyford.

Brief History:

Committee Activity: Law & Justice: 1/22/14, 2/03/14 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Kline, Ranking Member; Darneille and Pedersen.

Staff: Tim Ford (786-7423)

Background: Article IV, section 2 of the Washington State Constitution provides that the state Supreme Court must consist of five judges and that the Legislature may increase the number of judges from time to time. The Constitution also provides that the term of elected judges must be six years, and that if a vacancy occurs the Governor must only appoint a person to ensure the number of judges, as specified by the Legislature, for the remainder of the unexpired term. According to state law, for every elected office, vacancy occurs for the following reasons:

- death;
- resignation;
- removal;
- ceasing to be a registered voter in the district where elected or appointed;
- conviction of a felony;
- violation of an oath, or failure to take an oath;
- violation of bond requirements; or
- a competent tribunal declaring an election void.

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.

Since 1909 state law sets the number of Supreme Court justices at nine members. The election of justices is staggered and three justices are elected at each biennial general election for a term of six years.

In 1995 House Bill 1411 was introduced to reduce the size of the state Supreme Court to seven judges. The companion bill, Substitute Senate Bill 5467, passed the Senate by a vote of 42 yeas, 4 nays, and 3 absent, but neither bill became law.

Summary of Bill: When a vacancy on the Supreme Court occurs, it may not be filled until the number of judges on the court is reduced to seven. A vacancy may occur by resignation, retirement, death, or otherwise. No fewer than two and no more than three judges may be elected at each biennial general election to serve six-year terms.

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 original Washington Constitution set the number of judges for the Supreme Court at five members. It was increased to nine members in 1909. The cost for supporting a Supreme Court justice is about \$1 million per year. Only five states have supreme courts with nine members. States with larger populations, like California and Florida, have less members on their supreme courts. We do not need nine justices.

CON: The Washington State Supreme Court is in the top five of all states for being the most highly regarded and independent state supreme courts. Reducing the court size may negatively affect the representation of diversity on the court. It would also make it easier for special interests to stack the court with expensive court races. It may delay justice in cases.

OTHER: In the 1990s, Justice Durham created a study group on reducing the size of the court. The group held hearings and concluded there would not be great budget savings, and that diversity may be reduced.

Persons Testifying: PRO: Senator Baumgartner, prime sponsor.

CON: Larry Shannon, WA State Assn. for Justice.

OTHER: Dirk Marler, Administrative Office of the Courts.