# SENATE BILL REPORT
# SB 6317

As Reported by Senate Committee On:
Law & Justice, January 14, 2016

**Title**: An act relating to the establishment of an office of superior courts.

**Brief Description**: Establishing an office of superior courts.

**Sponsors**: Senators Padden, Takko, Dammeier, Hargrove and Hobbs.

**Brief History:**
**Committee Activity**: Law & Justice: 1/14/16, 1/14/16 [DP-WM, DNP].

## SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report**: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

**Minority Report**: Do not pass.
Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

**Staff**: Melissa Burke-Cain (786-7755)

**Background**: Washington's Constitution vests judicial power in the Supreme Court, superior courts, justices of the peace, and inferior courts. Superior courts are courts of record that have original jurisdiction to conduct trials and other proceedings in a wide range of civil and criminal matters at the county level.

The Supreme Court supervises the Administrative Office of the Courts (AOC) and appoints its executive director. The AOC develops and implements uniform systems, policies, and administrative methods for the state's judicial system. The AOC coordinates state court operations, information technology, integrated budget, accounting, procurement and contract management. In addition, the AOC provides administrative, technical, and fiscal assistance to the state's trial courts.

**Summary of Bill**: The Office of Superior Courts is created as a new independent agency within the Judicial Branch to develop efficiencies and improvements to superior court operations throughout the state. The agency is authorized to conduct studies and analyses leading to best practices for superior court administration. In addition, the agency, working collaboratively with the AOC and key stakeholders, will implement statewide technology

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improvements capable of collecting data and measuring outcomes regarding matters in the courts. The agency must provide quarterly reports of its activities to an oversight committee, respond to legislative data requests, and submit a biennial budget request.

Five members of the Superior Court Judges' Association serve as the oversight committee authorized to direct the agency's activities and appoint its director. The oversight committee serves without compensation, but may be compensated for travel and other expenses in accordance with the Office of Financial Management rules.

**Appropriation**: None.

**Fiscal Note**: Requested on January 7, 2015.

**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: Superior courts need to operate based on the best research available. An Office of Superior Courts would ensure that research and analysis specific to the superior courts is available for policy and planning development. An Office of Superior Courts would work collaboratively with the Administrative Office of the Courts (AOC) in setting superior court policy priorities, presenting policy priorities to the outside world, and would be better able to respond to information requests as part of the legislative process. The bill has good support among the Superior Court Judges' Association. The cost of creating an Office of Superior Courts is expected to be minor but worth the expenditure in terms of added services provided to the Legislature and the public. The AOC obtains input from the Board for Judicial Administration, but is not under the formal jurisdiction of the BJA. By law, the AOC is under the jurisdiction of the Supreme Court. Informal efforts to resolve issues between the Superior Court Judges' Association and the AOC have been unsuccessful and the AOC has not presented an alternative proposal that addresses the superior court judges' concerns about the need for additional resources to address the superior courts' needs.

CON: The judicial branch should not benefit just one level of the courts. The AOC supports all levels of the courts. If the bill passes, the mission of the AOC would not change if a new agency is created. Informal efforts to resolve issues between the superior court judges and the AOC have not been successful because it is difficult to solve problems without specifics. The BJA suggested the AOC and superior court judges' try mediation but that has been blocked. The BJA already provides an opportunity for equal say on policy priorities, staffing, and funding for superior court work. The Superior Court Judges' Association has become an entity that goes beyond its authority. The current AOC support to the superior courts is sufficient.

OTHER: Testimony given was not relevant to the bill.

**Persons Testifying**: PRO: Judge Harold Clarke, Judge Kitty-Ann van Doornick, Judge Steve Warning, representing the Superior Court Judges' Association.

CON: Mellani McAleenan, representing Administrative Office of the Courts; Christopher Hufy.

OTHER: Betsy P. Elgar.

**Persons Signed In To Testify But Not Testifying:** No one.