

# HOUSE BILL REPORT

## SB 5155

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**As Reported by House Committee On:**  
Civil Rights & Judiciary

**Title:** An act relating to the court of appeals.

**Brief Description:** Concerning the court of appeals.

**Sponsors:** Senators Wagoner and Dhingra; by request of Court Of Appeals.

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 3/2/23, 3/10/23 [DP].

**Brief Summary of Bill**

- Removes certain administrative requirements from state law for the Court of Appeals.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney, Entenman, Goodman, Peterson, Rude, Thai and Walen.

**Staff:** Matt Sterling (786-7289).

**Background:**

The Washington Court of Appeals is an intermediate level appellate court and contains three divisions. Each of the divisions serve a defined geographic area of the state and are headquartered in Seattle, Tacoma, and Spokane. The Court of Appeals has jurisdiction for appeals from superior courts within those geographic areas and also has appellate jurisdiction over review of final decisions of administrative agencies certified by the

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superior court.

A specific number of judges must be elected from a geographic district within each division. The number of judges for each division is set forth in law and generally reflects the population of the geographic area. When reviewing cases, the Court of Appeals sits in panels of three judges, and case decisions are rendered or disposed by a concurrence of a majority of the panel. Law provides that all case decisions are to be issued in writing and must state the grounds of the decision. If the court determines that the decision is of precedential value, then the decision must be published as an opinion of the court.

Administrative Matters in State Law.

State law requires that panels of the First Division of the Court of Appeals must be comprised as directed by the chief judge of that division. Judges may sit in other divisions, and cases may be transferred between the divisions as directed by written order of the Chief Justice of the Washington Supreme Court. While regular sessions are held at the headquarters of each division, state law provides that the Court of Appeals may hold sessions in cities as may be designated by rule.

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**Summary of Bill:**

The bill removes certain language from state law addressing the administrative matters of the Court of Appeals for:

- providing that panels of judges in the First Division are to be comprised of judges as directed by the chief judge of that panel; and
- providing for the transfer of judges or cases between divisions as directed by the Chief Justice of the Washington Supreme Court.

Court rules governing these administrative matters are not affected by the bill.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The bill is by request of the Court of Appeals. The bill removes some administrative burdens and allows for transfers of judges between divisions because they are not equally loaded with cases. The bill would harmonize the statute with court rules.

The court moves cases between divisions and right now that requires a written order of the Chief Justice who supports this bill. This bill would allow the court to transfer cases or sit in other divisions without a written order.

(Opposed) None.

**Persons Testifying:** Senator Keith Wagoner, prime sponsor; and Michael Diaz, Division One of the Washington Court of Appeals.

**Persons Signed In To Testify But Not Testifying:** None.