

HOUSE BILL REPORT

HB 1159

As Passed House:
March 9, 2013

Title: An act relating to increasing the number of superior court judges in Whatcom county.

Brief Description: Increasing the number of superior court judges in Whatcom county.

Sponsors: Representatives Lytton, Buys, Morris and Ryu; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 1/29/13, 2/5/13 [DP];

Appropriations Subcommittee on General Government: 2/20/13 [DP].

Floor Activity:

Passed House: 3/9/13, 89-8.

Brief Summary of Bill

- Increases the number of statutorily authorized superior court judges in Whatcom County from three to four.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall and Roberts.

Minority Report: Do not pass. Signed by 1 member: Representative Shea.

Staff: Omeara Harrington (786-7136).

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Hudgins, Chair; Buys, Chandler, Dunshee, Hunt, Pedersen and Springer.

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.

Minority Report: Do not pass. Signed by 2 members: Representatives Parker, Ranking Minority Member; Taylor.

Staff: Alex MacBain (786-7288).

Background:

The number of superior court judges in each county is set by statute. Any change in the number of full- and part-time judges in a county's superior court is determined by the Legislature after receiving a recommendation from the Board for Judicial Administration (BJA). The BJA's recommendation is based on an objective workload analysis developed annually by the Administrative Office of the Courts (AOC). The objective workload analysis takes into account available judicial resources and the caseload activity of the court.

The state and the county share the cost of superior court judges. In order for an additional judicial position to become effective, the legislative authority of the affected county must approve the position and agree to pay, out of county funds and without reimbursement from the state, expenses associated with the new position.

Whatcom County has three elected superior court judges. According to the AOC's objective workload analysis, an increase in the number of superior court judges in Whatcom County is recommended.

Summary of Bill:

The number of statutorily authorized superior court judges in Whatcom County is increased from three to four. This new position becomes effective only if the legislative authority of Whatcom County approves the position and agrees that the county will pay its share of the cost of the position without reimbursement from the state.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Judiciary):

(In support) This bill is brought by request of the BJA. There is widespread support for creating a new judge position in Whatcom County, including support from prosecutors, public defenders, the County Executive Office, and the local bar association. Every year the AOC puts together an analysis looking at the number of cases over the previous five years, in addition to the current seated judges and the authorized but unfilled positions. Full-time commissioners are also considered, but these positions do not carry the authority to preside over jury trials, and may actually be a number of people covering one position. This year's analysis supports the request for a new superior court judge position.

This additional judge is needed to effectively and efficiently administer justice. A new judge has not been added since 1975 and the population as well as the workload of the court has doubled since then. Criminal filings have increased by five times, which has created a problem in accommodating jury trials and resolving civil cases in a timely fashion. An example of the lag in civil case resolution is a dissolution case that has been bumped eight times. Judicial attendance records are public and reveal that two judges have lost vacation time presiding over jury trials.

The judge's salary is set by the Salary Commission and the financial responsibility is split between the county and the state. Money has already been allocated to create the physical space to accommodate a new judge. The Whatcom County Council will be presented with the new position this month, and the goal is to have a new judge seated by gubernatorial appointment in 2015.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations Subcommittee on General Government):

(In support) Whatcom County has approved a resolution for its portion of the salary for a new superior court judge and has also authorized design review for the needed courtroom space. Whatcom County has not added a new trial court judge since 1975, and in that time the county population has more than doubled, and criminal and civil filings have increased by more than five times. Even with this new judge position, Whatcom County will have the lowest number of judges per capita in the state.

(Opposed) None.

Persons Testifying (Judiciary): Representative Lytton, prime sponsor; Mellani McAleenan, Board of Judicial Administration; and Judge Charles Snyder, Whatcom County Superior Court.

Persons Testifying (Appropriations Subcommittee on General Government): Representative Lytton, prime sponsor; Charles Snyder, Whatcom County Superior Court; and Mellani McAleenan, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations Subcommittee on General Government): None.