

HOUSE BILL REPORT

HB 2804

As Reported By House Committee On:
Judiciary

Title: An act relating to a study of nonelected judicial officers and commissioners.

Brief Description: Requiring a study of nonelected judicial officers.

Sponsors: Representatives Lambert, Hurst and Esser.

Brief History:

Committee Activity:

Judiciary: 2/1/00, 2/3/00 [DP].

Brief Summary of Bill

- Requires a study of the number of nonelected judicial officers and commissioners serving in the courts.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Edie Adams (786-7180).

Background:

The judges of the state's superior, district, and municipal courts serve four-year terms and are required by statute to be elected. Statutes governing municipal court judges specify that each full-time equivalent judicial position must be filled by election and that additional positions that are by themselves or in combination equal to more than one-half of a full-time equivalent position must be filled by election.

A vacancy in a judicial position is filled by appointment with the appointed judge serving until the next general election. The appointment is made by the Governor for

superior court judges, the county legislative authority for district court judges, and the mayor for municipal court judges.

A judge of the municipal or district court may appoint a commissioner, who holds office at the pleasure of the appointing judge. The commissioner must be a lawyer admitted to practice in Washington or a nonlawyer who has passed the exam for lay judges. The commissioner has the same power, authority and jurisdiction as possessed by the appointing judge.

The judges of the superior court may also appoint commissioners to serve at the pleasure of the appointing judges. The powers of superior court commissioners are limited to those specified in statute, and include powers relating to probate matters, temporary restraining orders, uncontested civil matters, adoption of children, dissolution of incorporations, and small claims appeals.

Summary of Bill:

The Administrator for the Courts must conduct a study that answers the following questions:

- How many judges of the municipal, district, and superior courts are serving under appointment, rather than election?
- How long has each nonelected judge served without being elected and what are the judges actual hours worked per week?
- How many commissioners are serving in the municipal, district, and superior courts, and what are their actual hours worked per week?

The Administrator for the Courts must report the findings of the study to the Legislature by January 1, 2001.

Appropriation: None.

Fiscal Note: Requested on January 27, 2000.

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

Testimony For: There are around fifteen counties where judges are serving just below the full-time level so that they don't have to be elected. Judges are being designated as less than full time by contract, regardless of how many hours they actually work. Citizens should have the opportunity to elect their judges so that there

is accountability. The issue needs to be addressed as part of the overall court reform effort.

Testimony Against: None.

Testified: (In support) Representative Lambert, prime sponsor.

(Comments) Judge Robert McBeth, King County District Court, Renton Division.