

# SENATE BILL REPORT

## ESSB 6317

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As Passed Senate, February 17, 2016

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

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Padden, Takko, Dammeier, Hargrove and Hobbs).

**Brief History:**

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

Ways & Means: 1/26/16, 2/09/16 [DPS, DNP, w/oRec].

Passed Senate: 2/17/16, 30-19.

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### 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)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey, Becker, Brown, Hewitt, O'Ban, Padden, Parlette, Schoesler and Warnick.

**Minority Report:** Do not pass.  
Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Darneille, Hasegawa and Pedersen.

**Minority Report:** That it be referred without recommendation.  
Signed by Senators Hargrove, Ranking Member; Billig and Conway.

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*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.*

**Staff:** Julie Murray (786-7711)

**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 Engrossed Substitute Bill:** The Office of Superior Courts is created as an office in the Administrative Office of the Courts to develop efficiencies and improvements to superior court operations throughout the state. The office conducts studies and analyses leading to best practices for superior court administration. The duties of the Office of Superior Courts must be carried out within the existing appropriations of the Administrative Office of the Courts. In addition, the Office of Superior Courts, works collaboratively with the AOC, the Supreme Court, and the Washington State Association of Counties to advance the efficient and effective operation of superior courts throughout the state.

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. The Office of Superior Courts shall report quarterly to the oversight committee.

**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 on Original Bill (Law & Justice):** 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 on Original Bill (Law & Justice):** 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 on Original Bill:** No one.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** PRO: This is a modest measure intended to help superior courts address complex issues and cases. We are being asked to do more with less. Dedicated staff would help superior court judges respond to legislative requests and public policy proposals with thoughtful and well researched information. In our current situation, we receive resources only if AOC agrees with the policy direction. While the judicial branch does its best to speak with one voice, our jobs as judges differ. The BJA responds in a limited fashion and only when it impacts all level of courts. The BJA cannot resolve this issue. This is not about rebellion or succession; rather, this is a structural change to serve the needs of the Superior Court Judges' Association. The association has no dedicated staff; obtaining dedicated staff should not be controversial. AOC gives resources when it agrees and does not when it disagrees. AOC effectively vetoes policy direction of locally elected judges.

CON: All state judges have an obligation to work with colleagues to improve the justice system. It works better when we are a united front. The BJA exists to enhance the administration of justice and includes members from all court levels. The BJA can address these issues. No one supports moving resources from AOC to another agency. A new agency would complicate coordination of effort. We are working to negotiate these issues. We are available to respond to any questions regarding the fiscal note for the legislation.

**Persons Testifying on Original Bill (Ways & Means):** PRO: Tom Parker, Superior Court Judges Assn.; Sean O'Donnel, Jeff Ramsdel, and Stephen Warning, representing the Superior Court Judges' Association.

CON: Gerry Alexander, retired State Supreme Court Justice; Mellani McAleenan and Ramsey Radwan, Administrative Office of the Courts.

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