

# SENATE BILL REPORT

## SJR 8210

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As Reported By Senate Committee On:  
Law & Justice, February 15, 1995

**Brief Description:** Revising size and leadership of the state supreme court.

**Sponsors:** Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Palmer, Bauer, Oke and Winsley; by request of Supreme Court.

**Brief History:**

**Committee Activity:** Law & Justice: 2/9/95, 2/15/95 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 8210 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley and Schow.

**Staff:** Dick Armstrong (786-7460)

**Background:** The State Constitution provides that the number of judges of the Supreme Court shall be five, but allows the Legislature to increase that number. Since 1909, the number of judges of the Supreme Court has been set by statute at nine. Judges of the Supreme Court are elected to six-year terms.

The State Constitution directs that the Chief Justice of the Supreme Court is to preside over all sessions of the Supreme Court. The Constitution also calls for the Chief Justice to preside in the Senate over impeachment trials of the Governor or Lieutenant Governor. A variety of statutes also give responsibility and authority to the Chief Justice. For instance, the Chief Justice is given authority over the operation of the Office of the Administrator for the Courts.

The State Constitution prescribes the method for selecting the Chief Justice of the Supreme Court. The regularly elected judge of the Supreme Court having the shortest term left to serve is the Chief Justice. If two judges have the same shortest term left to serve, the other judges of the court must pick the Chief Justice. In the absence of the Chief Justice, the judge with the next shortest term is to preside over the court.

**Summary of Substitute Bill:** The State Constitution is amended to allow for a reduction of the number of judges on the Supreme Court, and to change the method of selection of the Chief Justice.

A majority of the judges of the Supreme Court must select one of the judges to be the Chief Justice for a four-year term. The Chief Justice serves at the pleasure of a majority of the

court. The court is given rule-making authority over the process of selecting or removing a Chief Justice. In the absence of a Chief Justice, a majority of the remaining judges select an acting Chief Justice.

**Substitute Bill Compared to Original Bill:** The constitutional provision which sets the minimum number of justices is not amended. Technical language is provided in the substitute bill to allow for the reduction of justices by attrition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Following voter approval at the November, 1995 general election.

**Testimony For:** The Supreme Court was to be reduced when the Court of Appeals was started 25 years ago. The reduction will not detract from racial and gender diversity. The court will be more efficient.

The term of the Chief Justice should be extended to four years for better efficiency, and the justices should select the Chief Justice.

**Testimony Against:** None.

**Testified:** PRO: Justice Durham, Supreme Court; Justice Utter, Supreme Court; Mary McQueen, Administrator for the Courts.