
Civil Rights & Judiciary Committee

HB 1977

Brief Description: Concerning the hiring of bailiffs, judicial assistants, and other legal professionals by courts of record.

Sponsors: Representatives Morgan, Valdez and Pellicciotti.

Brief Summary of Bill

- Provides that, in addition to having the power to appoint a crier and bailiffs, every court of record shall have the power to appoint as many judicial assistants or other legal professionals as may be necessary for the orderly and expeditious dispatch of the legal business of the court.
- Authorizes each superior court judge in counties with a population over 500,000 to hire a minimum of one such employee.

Hearing Date: 2/20/19

Staff: Cece Clynch (786-7195).

Background:

Criers and Bailiffs.

Per statute, every court of record has the power to appoint a crier and as many bailiffs as may be necessary for the orderly and expeditious dispatch of the business. The terms "crier" and "bailiff" are not defined in statute.

Black's Law Dictionary defines "crier" and "bailiff" as follows:

- "Crier" is an officer of the court who makes public pronouncements as required by the court.
- "Bailiff" is a court officer who maintains order during court proceedings.

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.

Court rules do not define "crier." The courts' definitions of "bailiff" are not identical with one another.

- Per Supreme Court Administrative Rule 19, a bailiff's "duties shall be to attend all sessions of the court, maintain official hearing records, ensure that proper courtroom procedures are observed and do and perform such other duties as may be required by the court." Additionally, the bailiff is chief security officer for the court, providing and coordinating security on site and when the court travels.
- The Court of Appeals Administrative Rule 19 provides that the "clerk of each division may serve as bailiff. The Chief Judge may designate a law clerk to serve as temporary bailiff." The rule is silent on the duties of the bailiff.
- The Superior Courts do not have a comparable administrative rule. In an order issued in a recent case concerning bailiffs in King County, the Public Employment Relations Commission found that each of King County's 53 judges hired his or her own bailiff "who serves as the public representative of the appointing judge and acts as a sworn officer of the court. A bailiff primarily serves as a specific judge's case manager, trial administrator, executive assistant, and liaison with respect to attorneys, litigants, jurors, and the general public. Each bailiff works almost exclusively in the courtroom for the appointing judge..."

Population.

The Office of Financial Management (OFM) annually determines the population of all counties as of April 1. According to the OFM, as of April 1, 2018, four counties in the state had populations over 500,000: King, Pierce, Snohomish, and Spokane. Clark County was the fifth most populous county with almost 480,000 people.

Summary of Bill:

In addition to having the power to appoint a crier and bailiffs, every court of record shall have the power to appoint as many judicial assistants or other legal professionals as may be necessary for the orderly and expeditious dispatch of the legal business of the court. In counties with a population over 500,000, each superior court judge has the right to hire at minimum one such employee.

Appropriation: None.

Fiscal Note: Requested on February 15, 2019.

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