

# HOUSE BILL REPORT

## HB 1977

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**As Reported by House Committee On:**  
Civil Rights & Judiciary

**Title:** An act relating to the hiring of bailiffs, judicial assistants, and other legal professionals by courts of record.

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

**Sponsors:** Representatives Morgan, Valdez and Pellicciotti.

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 2/20/19, 2/22/19 [DP].

**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.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Jinkins, Chair; Thai, Vice Chair; Goodman, Hansen, Kilduff, Kirby, Orwall, Valdez and Walen.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Irwin, Ranking Minority Member; Graham, Klippert, Shea and Ybarra.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Dufault, Assistant Ranking Minority Member.

**Staff:** Cece Clynch (786-7195).

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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.*

## **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.

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.

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## **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.

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**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.

**Staff Summary of Public Testimony:**

(In support) This bill takes an old fashioned word, "bailiff," and puts it in the reality of today. In 1891 this statute was passed. The reality today is that bailiffs are legal professionals that work closely with judges, manage cases for judges, talk to jurors, write orders for judges, and talk to lawyers when the judges cannot. The original statute allowed judges to hire as many bailiffs as necessary for the business of the court, but county budgets today have not allowed that to occur, and courts are losing some of those assistants. Per this bill, the terms "judicial assistants" and "bailiffs" are synonymous with one another. Not every county has a one-to-one ratio of judicial assistants or bailiffs per judge, but the largest counties do. The King County Bar Association, and others that support this bill, recognize that losing those assistants would have devastating impacts. Caseloads are difficult to manage, and the cases can be very complex. The Superior Court Judges Association surveyed all of the judges in Washington to find out who had a judicial assistant. This bill should have no fiscal impact because all of the judges in the counties that would be affected by this bill – King, Snohomish, Spokane, and Pierce – already have a one-to-one judicial assistant to judge ratio. Some of those counties already have more than one assistant per judge. The King County Executive supports this bill. The bill will provide some clarity and stability in order to carry out the courts' duties.

(Opposed) The counties are concerned with the mandate. There are limited resources, and often these resources can only be used for prescribed purposes.

**Persons Testifying:** (In support) Jim Rogers, King County Superior Court and Superior Court Judges Association; and Pat Thompson, Washington State Council of County and City Employees.

(Opposed) Mike Hoover, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.