SENATE BILL REPORT
SB 5155

As Passed Senate, February 8, 2023

Title: An act relating to the court of appeals.

Brief Description: Concerning the court of appeals.

Sponsors: Senators Wagoner and Dhingra; by request of Court Of Appeals.

Brief History:
   Committee Activity: Law & Justice: 1/19/23, 1/26/23 [DP].
   Floor Activity: Passed Senate: 2/8/23, 49-0.

Brief Summary of Bill

- Removes certain administrative matters from state law for the Court of Appeals.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.
   Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Tim Ford (786-7423)

Background: The state Court of Appeals is an intermediate level appellate court and contains three divisions, each serving a defined geographic area of the state, headquartered in Seattle, Tacoma, and Spokane. The Court of Appeals has jurisdiction for appeals from superior courts within those geographic areas, and also appellate jurisdiction over review of final decisions of administrative agencies certified by the Superior Court.

A specific number of judges must be elected from a geographic district within each

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division. The number of judges for each division is set forth in law and generally reflects the population of the geographic area. When reviewing cases, the Court of Appeals sits in panels of three judges, and case decisions are rendered or disposed by a concurrence of a majority of the panel. All case decisions are in writing, stating the grounds of the decision, and if the decision is of precedential value it must be published as opinions of the court.

<u>Certain Administrative Matters in State Law.</u> State law requires that panels of the first division must be comprised as directed by the chief judge of that division. Judges may sit in other divisions, and cases may be transferred between the divisions as directed by written order of the Chief Justice of the State Supreme Court. While regular sessions are held at the headquarters of each division, state law provides that the Court of Appeals may hold sessions in cities as may be designated by rule.

Summary of Bill: The bill removes certain language from state law addressing the administrative matters of the Court of Appeals for:
- providing that panels of judges in the first division are to be comprised of judges as directed by the chief judge of that panel; and
- providing for the transfer of judges or cases between divisions as directed by the Chief Justice of the State Supreme Court.

Court rules governing these administrative matters are not affected by the bill.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Our courts are over tasked and anything we can do to reduce administrative burden is a good thing. This bill reduces the work load of the chief judge. This bill simplifies the process of moving cases between divisions of the court of appeals and harmonizes the statute with court rules. Parties file appeals in the division where trial court is located, occasionally creating unbalanced caseloads. When that occurs, cases are transferred between divisions to share the burden and ensure timely resolution. RCW 2.06.040 requires a written order from the Chief Justice of the Supreme Court before cases are transferred. This bill, which is supported by the Chief Justice, helps to simplify that process.

Persons Testifying: PRO: Senator Keith Wagoner, Prime Sponsor; Bill Bowman, Washington Court of Appeals, Division One.

Persons Signed In To Testify But Not Testifying: No one.