

# HOUSE BILL REPORT

## ESHB 1127

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*As Amended by the Senate*

**Title:** An act relating to superior courts.

**Brief Description:** Adding superior court judge positions.

**Sponsor(s):** By House Committee on Judiciary (originally sponsored by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprenkle).

**Brief History:**

Reported by House Committee on:  
Judiciary, February 6, 1991, DPS;  
Appropriations, March 9, 1991, DPS(JUD)-A;  
Passed House, March 14, 1991, 95-0;  
Amended by Senate.

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**HOUSE COMMITTEE ON  
JUDICIARY**

**Majority Report:** *That Substitute House Bill No. 1127 be substituted therefor, and the substitute bill do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

**Staff:** Bill Perry (786-7123).

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**HOUSE COMMITTEE ON  
APPROPRIATIONS**

**Majority Report:** *The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 28 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt;

Rust; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry.

**Staff:** Susan Kavanaugh (786-7130).

**Background:** The Legislature sets by statute the number of superior court judges in each county. Periodically, the office of the Administrator for the Courts conducts a weighted caseload study to determine the need for additional judges in the various counties.

Retirement system benefits and one-half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a stenographic court reporter for each superior court judge, although for the last several years, new judicial positions have been exempted from this requirement each time they have been created.

As a way to help relieve pressure on superior courts, the Legislature has authorized courts to use mandatory arbitration in any civil action in which the sole relief sought is a money judgment of up to \$35,000.

**Summary of Bill:** The numbers of superior court judges in four counties are increased as follows:

- o King County - from 46 to 58;
- o Grays Harbor County - from two to three;
- o Snohomish County - from 11 to 13;
- o Mason County - from one to two.

Six of the 12 new positions in King County may be phased in by the county between July 1, 1991 and July 1, 1995. The remaining six positions may be phased in between July 1, 1993 and July 1, 1995. The new position in Grays Harbor County takes effect January 1, 1992; the new positions in Snohomish County may be phased in between July 1, 1992 and July 1, 1995; and the new position in Mason County takes effect July 1, 1991.

In each county the positions become effective only if the county legislative authority documents its approval of the positions and agrees to pay the county's share of the costs of the new positions. The positions are also dependent on the superior court in each county adopting mandatory

arbitration to the fullest extent possible for civil actions involving money claims.

The new positions, as well as future new positions authorized by the Legislature, are all exempted from the requirement that a stenographic reporter be provided for each judge.

For all future judicial positions authorized by the Legislature permanent conditions are imposed. New positions will be dependent on county agreement to pay its share of the costs, county adoption of mandatory arbitration, and a weighted caseload study conducted while mandatory arbitration is in place.

**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment makes the following changes in the bill:

1. It provides additional flexibility to King County in phasing in the 12 new judicial positions. All 12 may be phased in at any time up to July 1, 1995, instead of six of them having to be phased in between July 1, 1993 and July 1, 1995.

2. It provides a new judicial position for Skagit County, raising the number of superior court judges from two to three.

3. It removes the ability given by the House bill to Snohomish County to phase in its two new judicial positions between July 1, 1992 and July 1, 1995. The two new positions in Snohomish County will take effect on July 1, 1992.

4. It removes the House bill's requirement that mandatory arbitration be adopted to the fullest extent possible in each of the counties receiving new judicial positions under the bill.

5. It removes the House bill's requirement that with respect to any future legislative authorizations for new judicial positions, a county must have agreed in advance to accept and pay for the positions, and a weighted caseload study must have been done after the county has adopted mandatory arbitration to the fullest extent allowed.

***Fiscal Note:*** Available.

***Effective Date:*** The bill contains several effective dates. Please refer to the bill.

**Testimony For:** (Judiciary): The need for each of these new positions has been clearly demonstrated. The current overload in these counties is adversely affecting the administration of justice.

(Appropriations): The need has been demonstrated through weighted caseload studies. Other methods of coping with the growing number of cases have been tried. The local court system supports the need for these new judges.

**Testimony Against:** (Judiciary): None.

(Appropriations): None.

**Witnesses:** (Judiciary): Judge Robert C. Bibb, Snohomish County Superior Court (in favor); Judge Anne Ellington, King County Superior Court (in favor); Ron Main, King County (in favor); Judges Mike Spencer and Dave Foscue, Grays Harbor Superior Court (in favor); and Mike Gibson, Mason County Commissioner (in favor).

(Appropriations): (In favor): Ron Main, King County; Ed Laren, Snohomish County; and Mary McQueen, Administrator for the Courts.

**VOTE ON FINAL PASSAGE:**

Yeas 95; Excused 3

Excused: Representatives Casada, Ferguson, Wang