

SENATE BILL REPORT

ESHB 1127

AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 8, 1991

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

**SPONSORS:** 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).

HOUSE JUDICIARY COMMITTEE

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Erwin, Hayner, Madsen, and Rasmussen.

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

**Hearing Dates:** March 27, 1991

SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

**Staff:** Terry Wilson (786-7715)

**Hearing Dates:** April 8, 1991

**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 exempt 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:**

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 exempt 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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**SUMMARY OF PROPOSED SENATE LAW & JUSTICE AMENDMENTS:**

The additional judges for King County can be phased in, as determined by the county, between July 1, 1991 and July 1, 1995.

The additional judges for Snohomish County can be phased in without any time period restrictions.

An additional judge is approved for Skagit County.

The proposed statutory guidelines for the appointment of future additional judges are deleted.

**SUMMARY OF PROPOSED SENATE WAYS & MEANS AMENDMENT:**

The bill is made contingent on funding in the budget.

**TESTIMONY FOR (Law & Justice):**

The counties need the additional judges because of the increased workload of the superior courts.

**TESTIMONY AGAINST (Law & Justice):** None

**TESTIFIED (Law & Justice):** PRO: Representative Sheldon, original sponsor; Judge Wilson, Snohomish County; Judge Johnson, King County; Judge Spencer, Grays Harbor County

**TESTIMONY FOR (Ways & Means):**

Caseload studies indicate a need for additional judges. Mason and Grays Harbor counties each have a critical need for an additional judge.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** Janet McLane, Administrator for the Courts (pro); Ron Main, King County (pro)