

SENATE BILL REPORT

ESHB 1824

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 3, 1991

Brief Description: Changing district courts' jurisdiction.

SPONSORS: House Committee on Judiciary (originally sponsored by Representative Appelwick).

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, Newhouse, and A. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: April 2, 1991; April 3, 1991

BACKGROUND:

A complex set of constitutional provisions and court decisions govern the question of jurisdiction in trial courts. The superior courts in this state are courts of general jurisdiction, which means that superior courts may hear any case the jurisdiction of which has not been conferred on some other court. District courts, on the other hand, are courts of limited jurisdiction, which means that they have jurisdiction only over matters specifically assigned to them by statute.

There are many matters over which the Legislature clearly may assign concurrent jurisdiction to both the superior and district courts. For most civil lawsuits, the Legislature may provide for jurisdiction based on the dollar amount involved in the suit. Currently, district courts have jurisdiction over civil suits involving \$10,000 or less. Based on somewhat ambiguous case law, however, it appears that other matters are in the exclusive jurisdiction of the superior courts. These matters over which the superior courts have exclusive jurisdiction are identified in the state Constitution. They include all cases involving felonies, the title or possession of real property, taxes, bankruptcy, nuisances, probate or divorce, and all cases in "equity."

Cases in equity cover a range of matters that courts of law historically could not handle. Equity cases include, among other things, actions for injunctions or restraining orders. The issuance of protective orders, such as those authorized in domestic violence and anti-harassment cases, is an exercise of equity jurisdiction. Some superior courts have been faced with increasingly large numbers of these protective order

actions. Proposals have been considered that would allow these cases to be heard in district court. However, because of the Constitution, these cases may be heard only in superior court.

The Commission on Washington Trial Courts, among others, has recommended that certain other kinds of cases should also be handled by district courts. These cases generally tend to be relatively high volume but also tend to require relatively little time per case. Examples of recommended cases include lien foreclosures and name changes.

SUMMARY:

Some aspects of district court civil jurisdiction are changed. The limit on the amount in controversy that may be heard in district court is raised from \$10,000 to \$25,000. District courts are given jurisdiction over anti-harassment orders, name changes and lien foreclosures involving personal property or crops. However, a district court may transfer an anti-harassment order case to superior court if the district court demonstrates a meritorious reason for the transfer.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: July 1, 1991

TESTIMONY FOR:

These high volume cases generally are not overly complex and do not take a great deal of time per case. They are ideally suited to the district courts, and the transfer of jurisdiction will help relieve superior court congestion.

TESTIMONY AGAINST: None

TESTIFIED: Representative Marlin Appelwick, sponsor; Mr. Gates, Gates Commission; Judge James McCutcheon, Superior Court Judges; Judge Gary Utigard, District Court Judges; Ron Gould, WA State Bar Assn.; Rick Wickman, Kurt Sharar, Assn. of Counties