

FINAL BILL REPORT

2SHB 2557

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Synopsis as Enacted

Brief Description: Improving the operation of the trial courts.

Sponsors: By House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Goodman, Barlow and Warnick).

House Committee on Judiciary

House Committee on Appropriations Subcommittee on General Government & Audit Review

Senate Committee on Judiciary

Background:

The state's trial courts consist of the superior courts, district courts, and municipal courts. Superior courts are courts of general jurisdiction with no limit on the types of civil and criminal cases they may hear. District and municipal courts are courts of limited jurisdiction; their jurisdiction is set by statute. District courts are county courts, and municipal courts are those established by cities and towns.

Jurisdictional Provisions.

District Courts. Jurisdiction of the district courts is set by statute and includes jurisdiction over both civil and criminal matters. District court has concurrent jurisdiction with superior court over many kinds of civil cases. However, the district court's jurisdiction in these civil cases is limited to actions in which the amount in controversy does not exceed \$50,000. This jurisdictional dollar limit for district courts was last raised in 2000 from the amount of \$35,000.

Small Claims Court. Small claims court is a department of the district court. The hearing and disposition of a small claims court action are informal, and generally the parties may not be represented by attorneys. The parties may offer evidence through witness testimony, and the judge may informally consult witnesses or otherwise investigate the controversy. Small claims court judgments may be appealed to superior court. The jurisdiction of the small claims court is limited to cases for the recovery of money where the amount claimed does not exceed \$4,000. This dollar limit was last raised in 2001 from an amount of \$2,500.

Municipal Court Contracting.

Municipal courts have jurisdiction over misdemeanors and infractions arising under city ordinances. Cities are responsible for prosecuting, adjudicating, sentencing, and incarcerating of adult misdemeanor offenders in their respective jurisdictions. Cities may meet this responsibility by establishing an independent municipal court, establishing a municipal

department of the district court, or by contracting for court services through an interlocal agreement.

Most cities that contract for court services do so with the appropriate district court. There are a number of cities that contract for court services with other cities. The Washington Supreme Court recently upheld the authority of cities to enter into interlocal agreements with other cities for court services and determined that a municipal court has the authority to hear cases outside the city's geographical boundaries.

Court Commissioners.

District and municipal court judges are authorized to appoint court commissioners to hear and dispose of cases. Commissioners serve at the pleasure of the appointing judges. A court commissioner must be a lawyer admitted to the practice of law in Washington or must have passed an examination for lay judges. Salaries for commissioners are set by local legislative authorities.

District and municipal court commissioners have the same power and authority to hear and dispose of cases as the appointing judges possess and prescribe. This unlimited authority applies to both civil and criminal cases and includes the authority to preside over trials. In contrast, the authority of superior court commissioners to hear and dispose of cases is limited under both statutory and constitutional provisions.

In district court, any party has an automatic right to have a case transferred from a district court commissioner to a district court judge if the party files a petition for transfer prior to a discretionary ruling by the commissioner. The statute specifies that the following are not discretionary rulings: arrangement of the calendar; setting of an action, motion, or proceeding for hearing or trial; arraignment of an accused; or setting of bail. A similar right of transfer is not provided for municipal court commissioners.

Both statutory provisions and court rules allow a party to have a case transferred from a district or municipal court judge by filing an affidavit of prejudice. A judge must disqualify himself or herself if a party files an affidavit that the party cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. The affidavit must be filed before the jury is sworn or the trial is commenced. Only one change of judge is allowed a party in a case.

Municipal Departments.

A city may petition the county for the creation of a "municipal department" within the district court. Municipal courts organized as municipal departments are part of the county district court. Under this arrangement, generally the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge. In practice, there are a variety of differences in organization and operation of the existing municipal departments.

Summary:

Jurisdictional Provisions.

The dollar limit on the jurisdiction of district courts is raised from \$50,000 to \$75,000.

The dollar limit on the jurisdiction of small claims court is raised from \$4,000 to \$5,000.

Municipal Court Contracting.

A provision is added to the chapter of law governing municipal courts that cities may meet their obligations for prosecuting, adjudicating, sentencing, and incarcerating misdemeanor offenders in their jurisdictions by entering into interlocal agreements with the appropriate county or with one or more cities (the hosting jurisdiction). A hosting jurisdiction is given exclusive original jurisdiction over cases filed by the contracting city.

Court Commissioners.

The authority of court commissioners in district court and in municipal court (other than Seattle Municipal Court) is limited. A court commissioner may not preside over trials in criminal matters, or over jury trials in civil matters unless agreed to by all parties. This limitation on the authority of commissioners in municipal courts applies beginning on July 1, 2010.

The provision allowing an automatic transfer right of a case from a district court commissioner to a judge is repealed. Instead, the statutory provision regarding disqualification of a district judge is amended to apply to all judicial officers, including court commissioners. A similar provision is applied to judicial officers of municipal courts.

A judicial officer must disqualify himself or herself when a party files an affidavit that the party cannot have a fair and impartial trial by reason of the interest or prejudice of the judicial officer. The affidavit must be filed prior to any discretionary ruling, which does not include: arrangement of the calendar; setting of an action motion or proceeding for hearing or trial; arraignment of the accused; setting conditions of release; or setting of bail. Only one change of judicial officer is allowed each party in an action or proceeding.

Municipal Departments.

The chapter of law authorizing a municipality to establish a municipal department of district court is repealed. Existing municipal departments are grandfathered and will continue to operate under the municipal department chapter as it existed prior to its repeal.

Votes on Final Passage:

House	94	0	
Senate	46	1	(Senate amended)
House	93	0	(House concurred)

Effective: July 1, 2008