Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Civil Rights & Judiciary Committee

HB 1909

Brief Description: Establishing the court unification task force.

Sponsors: Representatives Taylor, Goodman, Hill, Bernbaum, Farivar, Simmons, Peterson, Macri, Ortiz-Self, Walen, Ramel, Ryu, Thomas, Salahuddin, Duerr, Reed, Zahn, Entenman, Fey, Wylie, Richards, Cortes, Berry, Tharinger, Parshley, Berg, Santos, Ormsby, Pollet and Davis.

Brief Summary of Bill

- Establishes the Court Unification Task Force to conduct a comprehensive analysis of the Washington court system and to identify areas where a more centralized approach to court operations may improve uniformity in the delivery of court services and consistency in outcomes for those who use the court system.

Hearing Date: 2/12/25

Staff: Eric Lopez (786-7290) and Yelena Baker (786-7301).

Background:

Unified Courts Generally.
While there is no universally agreed-upon definition of the term, a "unified court system" is generally thought to have several components, including: (1) a simplified state trial court structure; (2) rulemaking authority in the state Supreme Court or judicial council; (3) governance responsibility in the Chief Justice of the Supreme Court, aided by a professional administrator and staff; and (4) state funding of all or most of the judicial system.

Court unification may also be divided into structural and administrative unification. Structural

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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

unification is related to trial court consolidation and simplification, and administrative unification relates to statewide judicial system management authority and responsibility.

Approximately half of the states define or describe themselves as "unified," either in their state constitution, state statutes, or court opinion. However, not all states adopt both structural and administrative unification, so given the lack of a uniform definition, one state's "unified judicial system" may look and function differently from another state's "unified court system" or "one court of justice."

Washington Court System.
Washington has a nonunified court system and comprises four levels of courts: the Supreme Court, the Court of Appeals, the superior courts, and courts of limited jurisdiction (district and municipal courts).

Funds to support Washington's courts come from state and local sources. Court operations funded directly by the state include those of the Supreme Court, the Court of Appeals, and half of the salaries and benefits of superior court judges. District and municipal courts are funded and administered locally by each county or city.

The Supreme Court is the final rulemaking authority for all of the state's courts. Though local courts make their own rules of procedure, these rules must conform to, or not conflict with, those established by the Supreme Court. In addition, the Supreme Court has administrative responsibility for operation of the state court system.

Administrative Office of the Courts.
The Administrative Office of the Courts (AOC) provides support for Washington's nonunified courts by providing various services to the judicial branch, including developing operational budgets, evaluating judicial system functionality, compiling statewide court statistics, and providing continuing education for judges. The AOC operates under the direction of the Chief Justice of the Supreme Court and is managed by the State Court Administrator.

Board for Judicial Administration.
The Board for Judicial Administration (BJA) provides leadership to state courts and develops policies to enhance the administration of state courts. The BJA is chaired by the Chief Justice of the Washington Supreme Court and consists of the judges from all levels of court and other stakeholders.

Summary of Bill:

Creation of the Court Unification Task Force.
The Court Unification Task Force (Task Force) is created to conduct a comprehensive analysis of the current state court system, including the review of the structure, policies, practices, and procedures of the state courts. The Task Force must identify areas where a more unified or centralized approach to court operations may improve efficiency and uniformity in the delivery

of court and judicial services, as well as consistency in outcomes and ease of access for those who use the court system, including victims, defendants, litigants, and counsel.

Membership of the Court Unification Task Force.
The Task Force must include:

- one member from each of the two largest caucuses of the House and Senate;
- one member representing the Governor's office;
- one member representing the Attorney General's office;
- three members representing local government;
- 12 members from the judicial branch appointed by the Chief Justice with input from various judicial agencies;
- 1 member representing the Tribal State Consortium; and
- 12 members representing civil legal aid attorneys, prosecutors, public defense attorneys, paralegals, law enforcement, survivors of gender based violence, people with lived experience as a litigant in civil court, formerly incarcerated people, and several other agencies and associations.

The Task Force has two cochairs. One cochair must be the chair of the Civil Rights and Judiciary committee of the House of Representatives and the other cochair must be the Chief Justice of the Supreme Court. The cochairs set the agenda and provide leadership and direction for the task force.

Powers of the Court Unification Task Force.
The Task Force may form issue-specific subcommittees focused on a variety of topics including, but not limited to, information technology in courts, court capacity and funding, and small and rural courts. The Task Force must define the scope and focus of each subcommittee.

The voting members of each subcommittee are selected from the Task Force by majority vote. Nonvoting members may be invited to participate as needed.

Consistent with funds appropriated specifically for this purpose, the Task Force may hire staff or contract for professional assistance.

Timeline and Reporting.
The Task Force must hold its first meeting by October 1, 2025 and must complete its work by December 31, 2028. There must be at least two full task force meetings per year.

A final report that includes specific solutions for efficient resource use, recommendations to harmonize conflicting court policies, practices and procedures, and a long-term strategic plan for implementing proposed solutions must be submitted by June 30, 2027.

Appropriation: None.

Fiscal Note: Requested on February 11, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.