



HOUSE JOINT RESOLUTION 4218

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4218 begins on page 32.

Vote cast by the 1991 Legislature on final passage:
House: Yeas, 98; Nays, 0; Absent or not voting, 0.
Senate: Yeas, 42; Nays, 0; Excused, 1; Absent or not voting, 6.

Statement for

THE COURTS NEED MORE FLEXIBILITY THAN IN 1889

The original Constitution provided that counties could have three Court Commissioners regardless of the county's population. Thousands of lawsuits are filed each year. Courts have attempted to adapt and deal with increasing court congestion without adding more judges. One strategy has been to create specialty Court Commissioners in the areas of mental health and family law. This has helped, yet lacks flexibility among counties of different populations and varying volumes of court cases.

THE WASHINGTON COMMISSION ON TRIAL COURTS RECOMMENDED THIS AMENDMENT

In 1990, the Chief Justice of the Washington State Supreme Court appointed the Washington Commission on Trial Courts. This Commission recommended that the limit of three Court Commissioners for each county be changed. The duties of Court Commissioners, however, remains unchanged, performing duties such as probate proceedings, issuing temporary restraining orders and hearing uncontested civil matters. Decisions of Court Commissioners are subject to review by an elected judge. Commissioners performing less complicated activities avoid additional permanent judgeships.

COUNTY COMMISSIONERS WILL DECIDE COUNTY-BY-COUNTY

County commissioners are responsible for budgeting the costs of courthouse operation. They are able to determine how many Commissioners are needed and set their compensation. Mental health and family law commissioners would

Official Ballot Title:

Shall each county legislative body establish the number of Superior Court Commissioners and the constitutional limit of three be repealed?

The law as it now exists:

The State Constitution now limits the number of Superior Court Commissioners who can be appointed by the Superior Court Judges in each county to a maximum of three commissioners. These general Court Commissioners are constitu-

be eliminated from state statutes. There would be only one type of Court Commissioner with authority as intended in the Constitution. This would give the maximum flexibility to use Commissioners and hold down costs of court actions.

SUPPORT THIS CHANGE FROM THE ARCHAIC

This constitutional amendment is a small but meaningful step in combating court congestion and in meeting the changing needs in individual counties. It deserves your support.

Rebuttal of Statement against

Court Commissioners are qualified attorneys with judicial skills. None are paid \$80,000. Like elected judges, Commissioners are subject to ethical review by the Judicial Conduct Commission.

All Court Commissioner decisions are subject to review by an elected judge upon request of any party (RCW 2.24.050).

Our crucial issue is flexibility to deal with increased civil caseloads in a state whose population has increased to nearly 5,000,000 people. Court Commissioners are a practical, cost-effective, proven solution.

Voters Pamphlet Statement Prepared by:

SENATOR GARY NELSON, Chair, Senate Law & Justice Committee; REPRESENTATIVE MARLIN APPELWICK, Chair, House Judiciary Committee.

Advisory Committee: THE HONORABLE FRED H. DORE, Chief Justice, Washington Supreme Court; THE HONORABLE TED KOLBABA, President, Assn. of Superior Court Judges; CHARLES J. KLARICH, President, Washington State Assn. of Counties; LOWELL K. HALVERSON, President, Washington State Bar Association.

tionally limited in their functions and do not possess the full powers of a Superior Court Judge. These Commissioners have authority to perform duties that a judge can perform at chambers, take depositions, and perform other business connected with the administration of justice as prescribed by law. The decisions of the Commissioners are subject to revision by the Superior Court Judges.

The effect of House Joint Resolution 4218, if approved into law:

The only change would be to delete the constitutional limitation of having a maximum of three Superior Court Commissioners in each county. There would be no change in the functions or authority of the Court Commissioners. The number of Court Commissioners in each county would be determined by the legislative authority of that county, not by the court.

Statement against

Court Commissioners are a blight on our judicial system. Most are unsuccessful lawyers who opt for the security of this appointed position and an \$80,000 paycheck.

Commissioners are not acting as the Constitution provides -- making "uncontested" decisions. These responsibilities are for elected accountable judges, not appointed, unelected and unaccountable Commissioners.

Before Commissioners, citizens lose their constitutional rights; no right to an affidavit of prejudice, no right to appeal on the record, and most importantly, no right to speak! This proposed constitutional amendment is bad judicial reform. Good government costs money and requires accountability. Washington may need more Superior Court Judges, but not more unelected, unaccountable Court Commissioners.

Commissioners decide most family law cases. Because they tolerate false statements and they refuse to discipline parties for perjury, family court is derisively known as "perjury court" or "liars court".

Bad judges can be removed, bad Commissioners remain kings in their court, and just like kings, they lose touch with reality. Overturning Commissioner decisions takes time and money, both of which the vast majority of parties don't have.

Integrity and accountability in our judiciary requires judges who have respect for the constitutional rights of children and parents. Divorce is too easy in Washington. Commissioners not only divorce parents, but they also divorce children from one of their parents by arbitrarily awarding sole custody. Commissioners do not realize the significant effect their decisions have on the lives of people who appear before them.

Vote no to preserve an accountable judiciary.

Rebuttal of Statement for

The proponents ask you to allow the appointment of unlimited numbers of Court Commissioners, not subject to election or public review, who will have virtually the same powers as elected judges.

Appointing more second-class pseudo-judges will not solve anything, and will only add to the cost and inefficiency of the present system by adding scores of unelected officials.

We rejected a similar proposal in 1981. We must do so again. Please vote "NO".

For more information call (206) 572-7340.

Voters Pamphlet Statement Prepared by:

BILL HARRINGTON, President, Fathers Rights; GLEN STOLL, President, Family Defense League; CHARLES L. SMITH, Seattle Attorney.

Advisory Committee: ALVA LONG, Attorney, King County; COLLEEN ALLEN GRADY, Attorney, Pierce County; CYNDI McBAIN, Vancouver, President, Second Wives and Step-Mothers for Equal Rights in Divorce; LOLA WOLK, Everett, President, Grandparents for Fairness in Seeing Grandchildren; RHONDA BREAUULT, Bellingham, President, VOCAI, Victims of Child Abuse Laws.



COMPLETE TEXT OF Senate Joint Resolution 8203 (con't.)

exist not more than one year. Commission members shall be appointed by the governor with at least one-third of the members to consist of members of the legislature and elected county officials. A new county home rule commission with the same membership qualifications, which shall exist no longer than a one-year period, shall be appointed by the governor to redraft any of the alternative "Home Rule" charters whenever the legislature enacts legislation calling for the creation of a new temporary home rule commission. As far as practical, all commissions created under this section shall be representative of major geographic areas of the state and the state's demographic distribution.

A single alternative charter may be submitted at an election to voters of any county for their approval and ratification, or rejection, upon either: (1) An ordinance adopted by the county legislative authority; or (2) the filing of a petition calling for an election which is signed by registered voters of the county equal in number to ten percent of the voters voting at the last preceding general election in the county. Upon approval and ratification of a charter by the voters of the county under this section, the charter shall become the organic law of the county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and that the ballot title of the foregoing constitutional amendment shall be: "Shall an additional procedure be permitted to simplify the process by which a proposed county charter is placed upon the ballot?"



COMPLETE TEXT OF House Joint Resolution 4218

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 23 of the Constitution of the state of Washington to read as follows:

Article IV, section 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, (~~not exceeding three in number;~~) who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law. The number of court commissioners in each county shall be determined by the legislative authority of that county.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

LANGUAGE ASSISTANCE

In many instances, assistance can be provided to those who have difficulty reading this pamphlet because their primary language is not English. For more information, call the Secretary of State Voter Information Hotline at 1-800-448-4881.

**NOTE: Important new election laws take effect next year.
Please read page 4 thoroughly.**