

SUPREME COURT OF WASHINGTON

Sackett v. Santilli

146 Wash. 2d 498 (2002) · Decided June 13, 2002

SUMMARY

The Washington Supreme Court held that article I, section 21 of the Washington Constitution limits the legislature's authority concerning waiver of civil jury trials but does not grant the legislature exclusive authority. The court upheld CR 38(d), concluding that the rule validly provides for implied waiver when a party fails to timely serve and file a jury demand and pay the required fee.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Ireland, J.; Johnson, J.; Madsen, J.; Bridge, J.; Chambers, J.; Owens, J.
JURISDICTION	Washington
DECIDED	June 13, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Santilli sought review of the Washington Court of Appeals' affirmance of a superior court order denying his motion to require a jury trial or enlarge the time for making a jury demand, followed by a bench-trial judgment against him.
STANDARD OF REVIEW	De novo review of the constitutional validity and interpretation of CR 38(d) and article I, section 21 of the Washington Constitution.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Thomas A. Santilli v. Russell Sackett, Carolyn Sackett

TOPICS

- civil procedure
- constitutional law
- separation of powers
- statutory interpretation

PRACTICE AREAS

- civil procedure
- constitutional law
- Washington court rulemaking

QUESTIONS PRESENTED

1. Whether article I, section 21 of the Washington Constitution prohibits the Supreme Court of Washington from adopting a court rule providing that failure to comply with jury-demand requirements constitutes implied waiver of the right to a civil jury trial.
2. Whether CR 38(d), which provides for waiver of a civil jury trial when a party fails to timely serve and file a demand and pay the jury fee, is constitutional.

HOLDINGS

1. Article I, section 21 is a limitation on the legislature's authority to provide for waiver of the civil jury right, not a grant of exclusive authority to the legislature. The legislature and the courts possess coextensive authority to make provision for implied waiver of the right to a civil jury trial.
2. CR 38(d) is constitutional and validly provides that failure to timely serve and file a jury demand and pay the required jury fee constitutes waiver of a civil jury trial.

KEY QUOTATIONS

“Like section 24, section 21 should be read as a limitation on the power of the legislature, not a grant of exclusive authority.” (at 505)

“The Washington Constitution, in article I, section 21, places a limitation on the authority of the legislature, not a grant of exclusive authority, concerning civil jury trial waiver.” (at 508)

“The authority of the legislature and the court is coextensive with respect to making provision for implied waiver of the right to a jury in civil cases.” (at 508)

FACTUAL BACKGROUND

The Sacketts sought damages for injuries allegedly caused by Santilli's negligent driving. Santilli's counsel prepared a jury demand and jury-fee check, but the demand was never served or filed by the March 22, 1999 deadline established by the case schedule and local rule. After learning of the failure, Santilli moved to require a jury trial or enlarge the filing time; because he conceded negligence, the bench trial addressed causation, injuries, and damages.

PROCEDURAL HISTORY

The Sacketts sued Santilli in King County Superior Court for injuries arising from an automobile accident. Santilli failed to timely serve and file a jury demand under CR 38(b) and later moved to require a jury trial or enlarge the time; the superior court denied the motion, conducted a bench trial, and entered judgment for \$111,469.23. The Court of Appeals affirmed, and the Washington Supreme Court granted review and affirmed.

DISPOSITION

affirmed

CASES CITED

- Sackett v. Santilli, 101 Wn. App. 128, 5 P.3d 11 (2000)

- State ex rel. Clark v. Neterer, 33 Wash. 535, 74 P. 668 (1903)
- Marine Power & Equipment Co. v. Department of Transportation, 102 Wn.2d 457, 687 P.2d 202 (1984)
- State v. Fields, 85 Wn.2d 126, 530 P.2d 284 (1975)
- Diversified Investment Partnership v. Department of Social & Health Services, 113 Wn.2d 19, 775 P.2d 947 (1989)
- Manus v. Snohomish County Justice Court District Committee, 44 Wn.2d 893, 271 P.2d 707 (1954)
- State ex rel. Foster-Wyman Lumber Co. v. Superior Court, 148 Wash. 1, 267 P. 770 (1928)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/washington-supreme-court-of-washington/2002/sackett-v-santilli-hcn8rb34>