

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, OCTOBER 17, 2008
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC OFFICE CENTER
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Vickie Churchill, Member-Chair
Superior Court Judges' Association
Island County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marilyn Paja, President
District and Municipal Court Judges'
Association
Kitsap County District Court

Justice Barbara Madsen
Supreme Court

Judge Richard McDermott, President
Superior Court Judges' Association
King County Superior Court

Judge Robert McSeveney
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

NON-VOTING MEMBERS:

Judge C.C. Bridgewater, Presiding Chief
Judge
Court of Appeals, Division II

Judge Tari Eitzen, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Mr. Jeff Hall
State Court Administrator

Mr. Mark Johnson, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President-Elect
Washington State Bar Association

Judge Glenn Phillips, President-Elect
District and Municipal Court Judges'
Association
Kent Municipal Court

Board for Judicial Administration

October 17, 2008
 9:30 a.m.
 AOC SeaTac Office
 Suite 1106, SeaTac Office Center

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
3. September 19, 2008 Meeting Minutes Action: Motion to approve the minutes of the September 19, 2008 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. 2009 Salary Commission Action: Motion to establish 2009 position on salaries	Chief Justice Gerry Alexander Mr. Jeff Hall	Tab 2
5. BJA Request Legislation Action: Motion to approve the slate of BJA request legislation	Ms. Mellani McAleenan	Tab 3
Reports and Information		
6. Trial Court Operations Funding Committee Revised Juror Pay Legislative Proposal	Judge Harold Clarke III	Tab 4
7. Proposed Amendment to IRLJ 6.2 Infraction Penalties	Judge Marilyn Paja (by phone)	Tab 5
8. GR-33 Requirements	Judge Ronald Culpepper	Tab 6
9. Trial Court Coordination Report	Ms. Mellani McAleenan	Tab 7
10. Washington State Bar Association	Mr. Mark Johnson Ms. Paula Littlewood	
11. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Chief Justice Gerry Alexander Judge C. C. Bridgewater Judge Richard McDermott Judge Marilyn Paja	
12. Administrative Office of the Courts	Mr. Jeff Hall	
13. Other Business BJA Financial Report Next meeting: November 21 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill Mr. Jeff Hall	Handout

**Board for Judicial Administration
Meeting Minutes**

**September 19, 2008
AOC SeaTac Office
SeaTac, Washington**

Members Present: Chief Justice Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Marlin Appelwick; Judge C. C. Bridgewater; Judge Ronald Culpepper (by phone); Judge Sara Derr; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Judge Michael Lambo; Justice Barbara Madsen; Judge Richard McDermott; Judge Robert McSeveney; Judge Marilyn Paja; Judge Glenn Phillips; and Judge Christine Quinn-Brintnall

Guests Present: Justice Mary Fairhurst, Ms. Marti Maxwell, and Ms. Barb Miner

Staff Present: Mr. Rick Coplen (by videoconference), Ms. Ashley DeMoss, Ms. Wendy Ferrell, Ms. Beth Flynn, Ms. Katrin Johnson (by videoconference), Mr. Dirk Marler, Ms. Mellani McAleenan, Dr. Carl McCurley; Ms. Regina McDougall, Mr. Ramsey Radwan, and Mr. Chris Ruhl

Call to Order

Chief Justice Gerry Alexander called the meeting to order.

July 18, 2008 Meeting Minutes

By consensus, the July 18, 2008 meeting minutes were approved as distributed.

Public Trust and Confidence Committee – Children's Activity Book

Justice Fairhurst stated that the Public Trust and Confidence Committee is requesting Board for Judicial Administration (BJA) approval of the *What's Happening in Court?* children's activity book so it can be copied and distributed at the Annual Judicial Conference in October.

A significant amount of committee time was spent going line by line to ensure age-appropriate language and the book has been reviewed by Justice Bobbe Bridge. The book is designed to be used in court and also by other groups such as teachers.

Judge McDermott commented that the book is an amazingly good publication. He stated it would certainly be nice to see it as part of the education curriculum. Judge McDermott suggested approaching the Superintendent of Public Instruction regarding the book being made available for use in schools. Justice Fairhurst stated there will be

a link on the Council of Public Legal Education and Washington State Bar Association Web sites.

Judge Fleck asked if a color version of the book is available. Ms. Ferrell responded that they are trying to keep costs down by using black and white. Judge Fleck suggested having a color version, along with the black and white version, available online because it would give a greater sense of inclusiveness in color.

Judge Churchill was recently contacted by the American Association of University Women (AAUW) and she suggested contacting the statewide organization to ask about interest in funding a portion of the copying costs. Judge McDermott suggested contacting the Rotary Club for funding assistance.

It was moved by Judge Appelwick and seconded by Judge Derr that the BJA approve the Public Trust and Confidence Committee's *What's Happening in Court?* children's activity book. The motion carried.

Jury Source List Update

Mr. Hall explained that the Court Management Council (CMC) is working on making improvements in the area of jury management. As a result, the CMC is proposing a revision to GR 18 Appendix and is requesting that the BJA endorse the proposed revision.

Mr. Coplen shared that only in recent years, with an update in county systems, has there been a mechanism available to validate jury contact information. Counties have found that 25% of all summonses are being returned because of address issues. Current court rule requires courts to continue sending jury summonses to addresses they know are bad. In King County, alone, it could be costing \$17,000 - \$18,000 on postage each year.

The proposed rule change would 1) remove inactive status voters from the jury source list, and 2) remove driver's license/identocard holders whose license/identocard has been expired longer than 90 days. This recommendation originally came from the Jury Commission and was approved by the BJA in 2000. At the time, it was seen as a problem and not pursued.

It was moved by Judge Paja and seconded by Judge McDermott to endorse the proposed rule amendment with the caveat that implementation be accompanied by media announcements/press releases advising the public of the change. The motion carried with Justice Madsen abstaining.

Reconsideration of Interpreter Budget Submission to Supreme Court

Mr. Hall explained that because of the current budget environment, Chief Justice Alexander sent a letter to the Administrative Office of the Courts, Office of Public Defense, and the Office of Civil Legal Aid requesting each agency to reconsider their 2009-2011 biennial budget requests. As a result, the BJA has some revisions to the interpreter funding request to consider.

Mr. Hall asked Mr. Ruhl and Ms. Johnson to develop some options regarding interpreter funding showing what different budget reduction amounts might mean. The original funding request was to provide 50% reimbursement to all trial courts statewide, at a total cost of \$5.5 million. Current funding is approximately \$1.5 million so the net request in additional funding is approximately \$4 million.

Currently, groups of courts in twelve counties are receiving state funding. The current funding amount represents approximately 28% of the limited English proficient (LEP) population of Washington. It is anticipated that an application process will be completed this fall, prior to the legislative session, to determine the number of counties interested in participating in the funding program. The counties will also be prioritized during the application process.

Mr. Hall suggested recommending that the Supreme Court reduce the funding request from serving 100% of the state's LEP population to 50% or 75%, which would require increased funding of \$1.2 million or \$2.6 million.

Judge Paja expressed concern regarding the amount of funding being requested for Justice In Jeopardy initiatives. Her concern is not just this interpreter piece but all three funding initiatives. She is very concerned that whatever funding the judicial branch requests, the entire branch will be branded with it.

Judge Churchill understands the concern but stated if the judiciary does not ask, the judiciary will never receive funding for important initiatives.

Judge Appelwick stated when facing a \$3 billion deficit, most people do not get more in terms of services. Agencies may receive more funding but that is at a maintenance level. For the Supreme Court to grant its blessing and ask for any increases in funding, it needs to be done with a really respectful tenor. With a \$3 billion budget shortfall, the reality is that most agencies are looking at significant cuts and there will be layoffs. It could reflect poorly on the Court if the request is not made properly. Judge Appelwick advised that the judicial branch present a maintenance level budget to minimize the cuts.

Chief Justice Alexander indicated that there is a lot of truth to what Judges Paja and Appelwick stated. He went on to say that this is going to be a tough budget year and

legislators will be lumping the judicial branch requests together. He said that the judiciary, therefore, needs to be sensitive to the present economic situation. Chief Justice Alexander also said that he wrote the letter to the judicial branch agency heads because it is important for the judicial branch to watch its spending during the remainder of this biennium. He pointed out, however, that the judicial branch provides the most important government function and necessary judicial branch services must be provided. Chief Justice Alexander indicated that the judicial branch should not be embarrassed to ask for funding it needs to provide necessary services.

Judge Fleck stated she wants to ensure the trial courts are at the table in pursuing Justice in Jeopardy initiatives.

It was moved by Judge Fleck and seconded by Judge McDermott to recommend to the Supreme Court Budget Committee both the 75% and 50% interpreter funding levels with two comments. 1. The only funding requests likely to pass this legislative session are items included in the Supreme Court budget. 2. Because interpreter funding is an area that resonates with legislators, it is likely incremental funding progress can be made with this request. The motion carried with Justice Madsen abstaining.

Legislative Dinners

Ms. McAleenan stated that six legislative dinners have been tentatively scheduled throughout the state, pending BJA approval, and local judges and legislators will be invited to the dinners. Holding the dinners in various locations increases the turnout. The dinners will cost approximately \$9,500 and are funded by the BJA and included in the BJA Long-Range Plan.

It was moved by Justice Madsen and seconded by Judge Derr to approve the legislative dinners. The motion carried.

Ms. McAleenan will be asking the Superior Court Judges' Association (SCJA) and District and Municipal Court Judges' Association (DMCJA) to invite judges and encourage participation. She said the Administrative Office of the Courts will provide a list of key legislators so judges can make personal invitations to those legislators. More information will be provided as the dates get closer.

BJA Long-Range Planning Committee Taskforce Referral

Judge Churchill stated the BJA has been asked to review a BJA Long-Range Planning Committee Taskforce referral regarding the following recommendation: "DMCJA should propose legislation that would require public defense costs to be placed outside the budget of the courts."

Mr. Hall shared that this recommendation is from the 1997 Wilson Report which stated the inclusion of public defender expenditures in court budgets is inappropriate and the practice should be discontinued. Mr. Hall also stated that it is inappropriate for court administrators to sign off on public defense costs each month and the court administrator should not be involved in contracting with public defenders. Mr. Hall commented that this is a valid recommendation.

Judge Paja spoke on behalf of the DMCJA and said there are a lot of courts that include public defenders in their court budgets. They are working on trying to make public defense a separate line item in court budgets. The DMCJA Legislative Committee will consider this recommendation and then send it to the DMCJA Board for consideration.

Mr. Hall would like to check with the Office of Public Defense (OPD) to determine if they have an opinion on the recommendation.

It was decided that the BJA will await a recommendation from the DMCJA. Mr. Hall will contact the OPD for their opinion and current information regarding county and city public defense funding. The BJA will consider this referral at a future BJA meeting.

2009 Salary Commission

Chief Justice Alexander reported that the Washington Citizens' Commission on Salaries for Elected Officials is gearing up to perform its constitutional and statutory mandate and the BJA, therefore, needs to decide what salary proposal it wishes to make to the commission. In the past, the BJA has proposed that Washington's judicial salaries should be moved toward parity with the federal courts. We have, in the recent past, achieved some success in receiving COLAs plus additional percentage increases as steps toward parity with the federal courts.

Mr. Hall reported that the Salary Commission's first meeting is November 19 and it is an organizational meeting. The first public meeting will be in January. The Administrative Office of the Courts (AOC) is organizing informational materials for the Commission members and will share the packet with the presidents of each judicial association.

Suggested information to include in the Commission packets:

- Numbers of judges leaving the bench and joining mediation firms.
- Statistics and figures related to age and length of judicial service which indicates the need to attract competent, qualified judges to fill vacancies created by retirements.

This will be included on the October BJA meeting agenda.

Jury Research Project Report

Dr. Carl McCurley is the manager of the Washington State Center for Court Research and he presented information gathered during the Juror Pay research project. The main reasons for the project were 1) to determine if Washington's juror pay rate of \$10 a day discouraged some citizens from participating in jury duty, 2) to determine if a pay increase would broaden participation, and 3) to determine if demographic representativeness would increase with higher juror pay. A draft final project report will be delivered internally on October 3.

The project was funded by the Legislature and began in November 2006 and ran through October 2007 in Clark County superior and district courts, Franklin County superior and district courts, Pasco Municipal Court and Des Moines Municipal Court.

Data sources for the project were jury yield from jury administration systems, a juror in-court demographic survey, and a telephone survey.

The following conclusions were made from the project data: 1) Juror compensation is one of several factors affecting juror participation, 2) there is no clear association of increased pay with higher juror yield, 3) increased pay is noticed and appreciated by those who serve, and 4) expanded public awareness efforts may enhance the impact of increased juror pay.

Judge McDermott was surprised by the results because each day he picks jurors from South King County and they have monetary excuses for not being able to perform jury service. His experience has been almost polar opposite of the research project results.

Judge Appelwick asked if the data indicated jurors who were not paid by their employers during jury service were influenced by the increased pay. Dr. McCurley stated they did gather that data, and it would be included in the final report, but he did not have that information with him. Judge Appelwick pointed out that if an employer is paying an employee's wages during jury service, then juror pay does not matter. If someone is self-employed, \$60 is not enough compensation. Judge Appelwick suggested looking at some other funding configurations such as not reimbursing jurors if their employers do.

Judge McSeveney stated the BJA previously voted to make the juror pay issue a funding priority. Given the Jury Research Project results indicate increased juror pay does not result in a higher juror yield, should the BJA reconsider that funding priority? Judge Paja indicated she would like the BJA to reconsider the funding priorities.

Mr. Hall indicated the juror pay issue could be referred back to the Trial Court Operations Funding Committee to consider additional options regarding a juror pay

increase. This will be a legislative request so a decision to go forward will not be required by the BJA until the first week of the legislative session.

Justice in Jeopardy Implementation Committee

Judge Fleck reported that the Justice in Jeopardy Implementation Committee met earlier in the week and had a relatively short agenda but it was meaty, in part because they had the expenditure forecast presented by Mr. Charlie Gavigan, House Appropriations Committee Staff Coordinator. He stated the Legislature uses the March caseload forecast for budget purposes and the expected shortfall is approximately 6% of the state budget. The judicial branch is .7% of the state budget and judicial branch funding has increased each year.

The committee discussed meeting with legislators, the Governor, and the media to explain the judicial improvements that are necessary for an effective and efficient judicial system.

The next meeting is scheduled for November.

BJA Long-Range Planning Committee Quarterly Report

Ms. McAleenan shared that the BJA Long-Range Planning Committee would begin reporting to the BJA on a quarterly basis. A BJA Long-Range Planning Milestone Chart was included in the meeting packet.

Legislative Program Documents

Ms. McAleenan reported that the meeting materials contain a Court Tours for Legislators document and a Judicial Branch Legislative Advocacy Guide. Both documents will be e-mailed to judges and after the November election, they will be updated to reflect the most up-to-date information.

Reports from the Courts

Supreme Court: Justice Madsen reported that the three Supreme Court incumbents up for election, Justice Mary Fairhurst, Justice Charles Johnson, and Justice Debra Stephens, all received more than 50% of the vote in the primary.

The Supreme Court is holding court at Washington State University in Pullman next week.

The Supreme Court justices are participating in a CLE regarding the Washington State Constitution in Spokane on the last day of the Annual Judicial Conference. The CLE

will be for the local bar and law students and will be held at Gonzaga University School of Law.

Court of Appeals: Judge Quinn-Brintnall stated that at end of next week, Division II's building will go up for private sale and it is not expected to be on the market very long. The Court has negotiated a 10-year lease with the option to expand to additional third floor space if needed. Since the building will not be sold to another governmental agency, they are working on an addendum for security.

Judge Appelwick said Division I is getting the new law clerks and externs settled. He is looking forward to the Annual Judicial Conference.

Superior Courts: Judge McDermott reported that Mr. Tom Parker will be the SCJA lobbyist for the next two years. The SCJA is hoping to expand and ramp up their presence in Olympia and are planning their legislative priorities.

The Juvenile Court Administrators have met with Mr. Victor Moore, Director of the Office of Financial Management, regarding a proposal to take money that has gone through the Juvenile Rehabilitation Administration and have it pass through AOC. AOC will disburse the funds to juvenile courts. Judge McDermott is not sure how much support the proposal will get initially. It is an ongoing work in progress and Judge McDermott thanked Mr. Hall for his support in setting up the meeting with Mr. Moore.

The SCJA met with the Department of Corrections Secretary Eldon Vail to look at how much the state is spending to house prisoners and trying to find out how evidence-based treatment programs could save the state billions of dollars in terms of long-range housing needs. The SCJA is continuing to work with Secretary Vail to explore those options. The SCJA nominated Judge Stephen Warning and re-nominated Judge Dean Lum for the Sentencing Guidelines Commission. Both of them were present during the meeting with Secretary Vail.

Judge McDermott thanked Ms. McDougall for her assistance with committee appointments.

Regarding the Family and Juvenile Court Improvement Program, the SCJA submitted some funding alternatives to the Supreme Court and the SCJA considers the program to be very high-priority and encourages the Supreme Court to include it in their budget. Representative Ruth Kagi feels there is a much better chance of getting the funding by including it in the Supreme Court budget.

Courts of Limited Jurisdiction: Judge Paja stated that the DMCJA has awarded \$10,000 to the District and Municipal Court Management Association (DMCMA) to assist them with succession planning.

The DMCJA is working on legislative priorities.

The Regional Courts Subcommittee of the BJA is looking at regional courts which has been a long-time goal of the DMCJA. The Subcommittee will present recommendations to the BJA at a future meeting.

The DMCJA Long-Range Planning Committee is continuing to work on a change to CrRLJ 3.2 that allows bail forfeitures. The DMCJA has been in discussions with OPD. Senator Adam Kline also contacted OPD. From many perspectives, the rule does not have an impact on most people but has a huge impact on the courts. Senator Kline invited the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Criminal Defense Lawyers (WACDL) to participate in the discussion. WAPA is against changing the rule and WACDL thinks it is a great idea. OPD is going to do a feasibility study.

Judge Lambo mentioned that Senator Kline is interested in amending the property crime levels. Senator Kline may also seek to decriminalize the driving while suspended in the third degree (DWLS 3) offense with the intent of freeing up court time and resources in courts of limited jurisdiction to deal with the potential increase in property crime filings if the property crime threshold level is increased.

Administrative Office of the Courts

Mr. Hall reported that AOC is in the process of filling the Human Resources Associate Director position which was previously held by Ms. Mary Carol LaPalm. He expects to have that position filled by the next BJA meeting.

He is also working on an agency profile document. The document will lay out what programs the agency is working on, the cost of each program, and how many AOC staff are working on each program. Mr. Hall will present the AOC profile document to the BJA in December.

There being no further business, the meeting was adjourned.



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**WASHINGTON JUDICIARY'S
PRESENTATION TO THE
CITIZEN'S COMMISSION
ON SALARIES FOR
ELECTED OFFICIALS**

2009

DRAFT

Washington Citizens' Commission on
Salaries for Elected Officials

November 2008

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THE DUTIES OF JUDGES IN WASHINGTON COURTS
Establishing Appropriate Judicial Salaries

*Report to the Washington Citizens' Commission
on Salaries for Elected Officials*

November 2008
Administrative Office of the Courts
www.courts.wa.gov

THE DUTIES OF JUDGES IN WASHINGTON COURTS ESTABLISHING APPROPRIATE JUDICIAL SALARIES

*Report to the Washington Citizens' Commission on Salaries for Elected Officials
November 2008*

INTRODUCTION

In creating the Washington Citizens' Commission on Salaries for Elected Officials, the Legislature stated the policy of the state is to base salaries for judges and other elected officials on realistic standards: 1) according to the duties of their offices, and 2) so that citizens of the highest quality will be attracted to public service (RCW 43.03.300).

To attract high quality judicial candidates to the bench, and to retain these individuals, establishing *and maintaining* an adequate salary is essential. Having salaries that are sufficient to attract talented people is a common problem for all government agencies; however, it is especially difficult for the judiciary. When experienced lawyers consider trading private practice for public service on the bench they know that they will be prohibited from practicing law, and must forego all outside business and professional interests as a condition of holding office. Unlike other public servants, judges must curb most other financial endeavors in order to preserve their impartiality. At the same time, they know that the potential monetary benefits of private practice usually exceed that of public service in the judiciary. Therefore, adequate salaries, which do not erode with inflation, become a crucial incentive for attracting and retaining high quality candidates.

The most reasoned approach to judicial salary setting lies in ongoing regular increases, which reflect the rising cost of living. This approach is viewed as the single most important factor in attracting high quality candidates to judicial office. Judges do not expect to achieve parity with many of their colleagues in private practice. But, at a minimum, the expected economic sacrifices of a career on the bench must not be further compounded by a failure to keep judicial salaries at pace with inflation. Additionally, regular cost of living increases provide recognition, by the citizens of Washington, for the important work and services judges provide (represented below). It is a fundamental recommendation of the Washington State Judiciary that the salaries of Washington State judges be regularly adjusted to a level that, at a minimum, reflects the annual effect of inflation.

TYPICAL RESPONSIBILITIES OF JUDGES

Judges are expected to preside at criminal trials, impose punishment for crimes, preside over civil cases, decide complex issues on appeal, manage growing caseloads, and see that the courts' orders are enforced. Our communities expect judges to resolve disputes that involve violence, family abuse, and juvenile crime, as well as settle civil conflicts among individuals, business and government agencies. The duties of judges require them to remain impartial and to make difficult, often unpopular decisions. Judges also have an administrative responsibility—they must make sure the courts run efficiently and safely, and that citizens have access to the justice system.

A "typical" day for a trial court judge involves a variety of different duties. For example, a judge will spend a portion of the day "in chambers" reviewing the files of cases to be heard. During these times, judges may also hear minor motions and requests "ex parte," outside the formal courtroom. Sometimes judges may be asked to interrupt other activities to hear an emergency matter, such as a request for a domestic violence protection order. Judges spend a large portion of their time on the bench presiding over trials, sentencing hearings and other proceedings. Each court has a presiding judge who assigns cases and manages the court's calendar for other judges on the court. Judges also hold "settlement hearings" to help parties resolve their disputes rather than going to trial. Judges supervise their staff and attend meetings, often held over the noon hour, with the other judges on their bench to make policy decisions relating to court procedures. On a typical day, a judge may also leave the court to attend a committee meeting or participate in a school activity such as *Judges in the Classroom*.

A "typical" day for a Court of Appeals judge also involves a variety of different duties. When Court of Appeals judges hear oral arguments in cases, they sit in panels of three judges. Before oral argument, the judges assigned to each three-judge panel receive copies of the pre-hearing memoranda and parties' briefs for each case. The judges review these documents along with the record from the trial court in order to prepare for oral argument. The judges hear oral argument on up to seven cases during each hearing day. During argument they ask questions in order to clarify or direct analysis and argument. Immediately following the arguments, the panel of judges meets to discuss the issues in the case and make an initial decision, that is, whether to affirm, reverse, or remand the case back to the trial court for further action. The judges also discuss the reasoning for their decision and assign a judge to write the opinion in the case. Each judge is responsible for writing approximately 84 opinions per year. The Court of Appeals judges also decide motions for reconsideration, motions to modify a commissioner's ruling, etc. The judges supervise a personal staff consisting of a judicial secretary and two law clerks. Like trial court judges, appellate judges also participate on committees and community or school activities. They may also sit as temporary judges in the trial courts to help with the caseload in those courts.

The Supreme Court is the state's highest court. Opinions of the Supreme Court become the law of the state, and set precedent for subsequent cases decided in Washington. All nine justices sit as a panel to hear oral arguments. After oral arguments the justices conference to discuss the case. Following the conference a justice is assigned to write the majority opinion and, if appropriate, another justice is tasked with writing the dissenting opinion. The justices also have supervisory responsibility over certain activities of the State Bar Association including attorney admission and discipline matters. The justices have responsibility for rule-making for all of the states' courts, and administrative responsibility for the operation of the entire state court system. As administrative leaders, the justices frequently preside over efforts to improve the judicial system such as the Gender and Justice Commission, Minority and Justice Commission, Interpreter Commission, Civil Equal Justice Task Force, the Judicial Information System Committee, Bench Bar Press Committee, Public Trust and Confidence Committee, and many others.

DUTIES OF JUDGES

Hear Cases and Resolve Disputes

Courts of Limited Jurisdiction

There were over 2.2 million cases filed in Washington's courts of limited jurisdiction during calendar year 2007.

Parking infractions, which are generally handled administratively, contributed just over 694,000 case filings to the total. The over 1.5 million remaining cases represent the core judicial caseload filings for the year.

Traffic infraction cases, at 1,070,539 filings, made up the largest portion (67.7%) of the core caseload, followed by other traffic misdemeanor cases (8.9%), non-traffic misdemeanor cases (8.8%), civil cases (7.4%), DUI/physical control cases (2.6%), non-traffic infraction cases (2.1%), small claims cases (1.4%), petitions for protection orders related to domestic violence and anti-harassment (.7%), and felony complaints (.3%). Please note: Due to rounding, percentages may not add precisely to 100.

The increase in civil jurisdiction to include claims of \$50,000 (beginning June 2000) has allowed the limited jurisdiction courts to share the civil burden with superior courts. A representative case would be an auto accident dispute with an insurance company. The 2008 Legislature raised the civil-jurisdiction limit to \$75,000.

Superior Courts

From 2006-2007, superior court case filings increased by 2.4% (7,255 filings), resolutions increased by 2.4% (6,844 resolutions), and completions increased by 1.9% (5,567). Across the same period, trial proceedings decreased by 3.0% (253 proceedings), and non-trial proceedings increased by 2.2% (16,943 proceedings).

Across case types, the largest percentage increases from 2006 to 2007 occurred in guardianship filings (9.3%, or 236 filings) and civil filings (3.7% or 4,490 filings).

The largest percentage decreases occurred in adoption/paternity filings (0.9%, or 97 filings) and criminal filings (0.1%, or 70 filings) filings.

As in prior years, civil cases were the largest single category of filings, accounting for about 2 out of every 5 case filings (41.8%), case resolutions (41.7%), and case completions (41.9%). In contrast, civil trial proceedings accounted for about 1 out of every 6 trial proceedings (17.4%), and civil non-trial proceedings were less than 1 out of every 13 non-trial proceedings (7.4%).

Court of Appeals

Washington's Court of Appeals received 4,067 new filings in 2007. Division I which serves Northwest Washington received 42%, Division II which serves Southwest Washington received 35%, and Division III which serves Eastern Washington received 23%.

Supreme Court

The Supreme Court received 1,463 new case filings in 2007, including 750 (51.3%) petitions for review, 111 (7.6%) discretionary reviews, 248 (17.0%) personal restraint petitions, 109 (7.5%) attorney admission and discipline matters, and 245 (16.7%) other reviews, including direct appeals from the trial courts, actions against state officers, and cases certified from federal court. All cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. Please note: Due to rounding, percentages may not add precisely to 100.

Find Better Ways to Resolve Disputes

- Society demands new ways to handle old problems. Specialized drug courts have been created in many counties at the initiative of Washington judges. Specialized courts require judges to learn special skills, such as how to influence defendants to make their own decision to move away from a lifestyle involving drugs. This often requires judges to spend extra time

building one-on-one relationships with defendants. Early results indicate these efforts by judges are paying off in terms of fewer repeat offenders.

- Mental Health Courts have been formed in several jurisdictions to allow judges, lawyers and treatment providers to work as a team to find ways to limit criminal behavior by identifying appropriate treatment or interventions.
- The Washington State Family and Juvenile Court Improvement Plan (FJCIP) was adopted by the Board for Judicial Administration and start-up funds were provided by the 2008 Legislature. The FJCIP sets in motion a strategy to encourage and fund improvements to local court operations that are consistent with Unified Family Court (UFC) principles. The statewide plan promotes a system of local improvements that are incremental and measurable. The impetus for this project was the desire among judges, the Legislature, and stakeholders to improve court operations for children and families. To date, 16 courts are funded for the initial phase which includes local leadership development, fund case coordinator staff, and pay for specialized education for judicial officers who preside over cases involving children and families.
- District and municipal courts in several counties including King and Spokane have started programs to help reinstate the licenses of drivers who have lost their license as a result of unpaid traffic tickets. These drivers may keep their licenses as long as they adhere to a payment schedule.
- Yakima County now allows drivers to contact the court by e-mail to explain why they received a traffic ticket, and to ask the Court for a reduced fine. The number of in-person hearings in these cases has been reduced by half.
- The Clark County and Kitsap County trial courts have created a centralized domestic violence court as a way to provide quicker attention and more coordinated services in these cases.
- Many superior courts rely on “courthouse facilitators” to help litigants without attorneys understand their court case and what they will be expected to do to resolve their case. Courthouse facilitators work especially with litigants in marriage dissolution cases.

Ensure Courts Are Accessible When People Need Help

- Judges increasingly are called upon to perform their duties “after normal business hours.” For example, trial judges are assigned every weekend to hear the “jail calendar” and make appropriate release decisions. Trial court judges are frequently called at night by law enforcement officers to consider issuance of “telephone search warrants” and requests to hear petitions for domestic violence protection.
- Judges must make sure the court is accessible to all people—including those who do not have or want an attorney to represent them. Some estimates indicate that in nearly 60% of all domestic relations cases at least one party is self-represented. Judges are expected to simplify their procedures so that everyone, *not* just attorneys are able to appear in court effectively.

- Washington has seen a large increase in litigants who speak a language other than English. A variety of languages in addition to Spanish—including Russian, Vietnamese, Korean and many others—are commonly heard in our courthouses today. Judges have a duty to make sure everyone who has a case before the court can communicate and understand what is being said. The courts' customers have changed, and judges are expected to change the way they conduct their business in order to serve their communities.
- Both the Americans with Disabilities Act and the Washington Law Against Discrimination require courts to make both their facilities and their programs and services accessible to persons with disabilities, including deaf and hard of hearing persons. In addition, recently promulgated General Rule 33 sets forth a process courts and judges must follow in receiving and responding to requests for accommodation in order to ensure that court buildings, programs, and services are equally accessible by all.

Stay on Top of Changes in the Law

- Judges are expected to keep abreast of changes in state and federal statutes as well as developments in case law. Judges at all levels are expected to maintain their personal proficiency and knowledge of the changes to statutes and the impact of recent case laws.
- All judges and court commissioners are required by court rule to complete a minimum of 45 hours of continuing judicial education in a three year period.

Keep Courthouses Safe

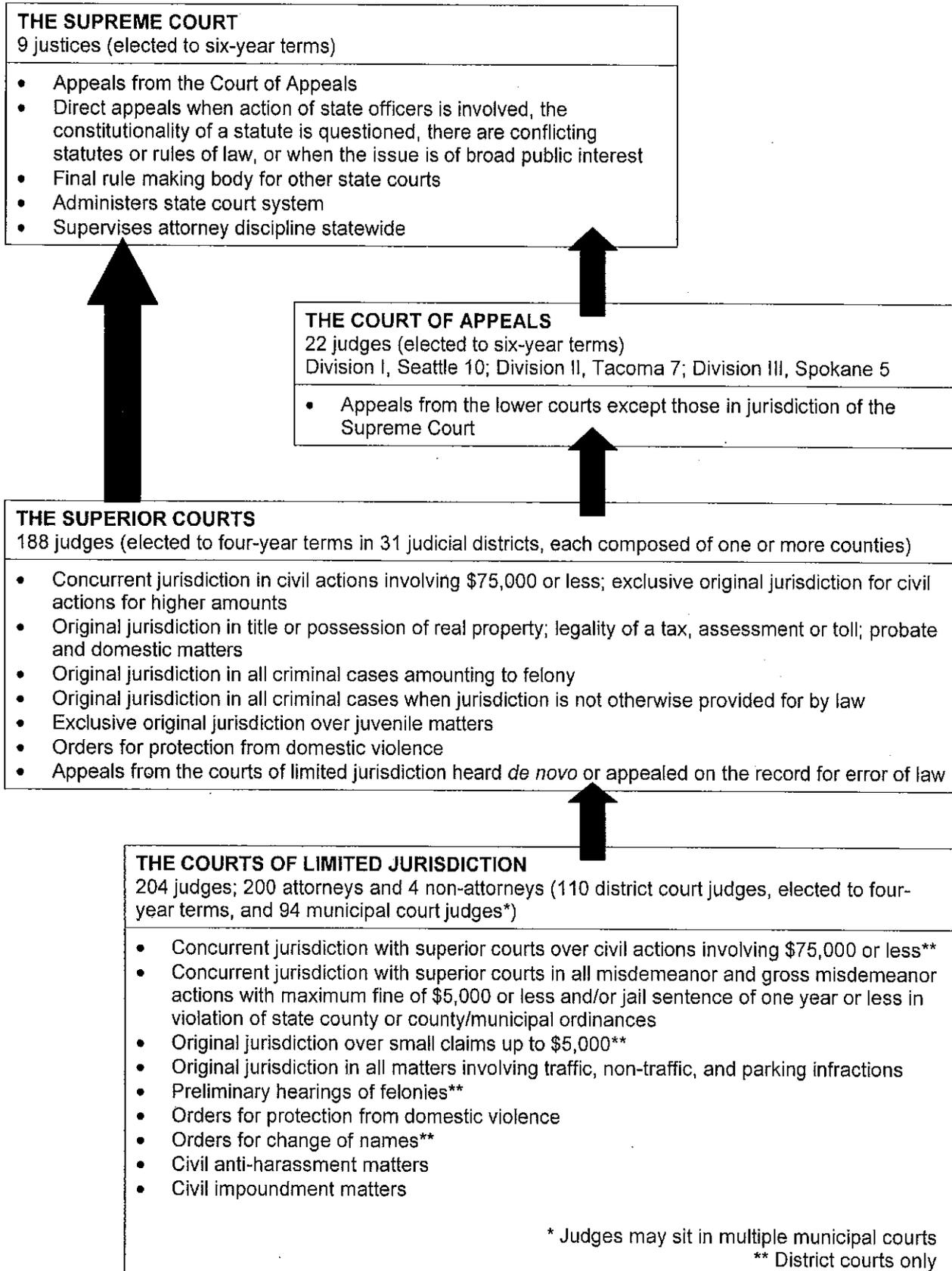
- Violent events in courthouses require judges to spend time planning and implementing courtroom security precautions.
- Outside the courtroom, some judges have been required to take extra steps to protect themselves and their families against threats of violence from angry litigants. While judges accept it as their duty to do everything possible to keep court staff and the public safe, they do their work with an awareness of the increasing risk associated with their jobs.

Manage the Courts

- Trial court presiding judges assign and monitor the flow of cases, and see that new judges are trained and oriented to their jobs.
- Judges direct the development of the statewide court computer system, the Judicial Information System.
- Judges sit on many committees, commissions, task forces and governing boards that develop court forms, rules for court operation, the procedures that attorneys must follow, and address other issues related to trial court operation and implementation of legislation affecting the courts.

- Supreme Court justices are responsible for lawyer discipline and the final review of matters related to judicial discipline recommending suspension, removal or retirement.
- Judges manage probation services and, in some locations, juvenile detention facilities.
- Judges explore ways to make the system better by working on gender and justice issues, jury service efforts, and everyday improvements to improve the operation of courthouses and service to the public.
- Judges participate in many community and school activities such as "*Judges in the Classroom*," Mock Trial competitions, trial court coordination councils, and neighborhood justice forums. They routinely serve on the Boards of social service and juvenile justice agencies.

Washington State Court System, 2008



WASHINGTON STATE JUDICIARY
YEARS OF SERVICE AND AGE INFORMATION

DRAFT

COURTS OF RECORD (Supreme Court, Court of Appeals, Superior Courts)

	Number	Percentage*
Number of judges with 20 or more years of service on the bench as of December 31, 2009	35	16.0%
Number of judges age 65 or older as of December 31, 2009	41	18.7%
Number of judges 50 years old or younger as of December 31, 2009	12	5.5%

COURTS OF LIMITED JURISDICTION (District and Municipal Courts)

	Number	Percentage
Number of judges with 20 or more years of service on the bench as of December 31, 2009	38	18.6%**
Number of judges age 65 or older as of December 31, 2009	21	10.3%***
Number of judges 50 years old or younger as of December 31, 2009	36	17.6%***

* Based on 219 judges total

** Based on 204 judges, with data missing from 12 judges

*** Based on 204 judges, with birthdate data missing from 15 judges

DRAFT

Salary Information

**Washington State Law School Deans
Salary**

As of October 2008

University of Washington Law School Dean current salary

Seattle University Law School Dean current salary

Salary range for professors
and entry-level deans:
\$120,000 - \$250,000

Gonzaga University Law School Dean current salary

As of October 2006

University of Washington Law School Dean current salary

\$251,580

Seattle University Law School Dean current salary

\$241,114

Gonzaga University Law School Dean current salary

Salary Range:
\$175,100 – \$236,900 Current
salary being paid is close to
the top of the range.

Comparative Information received October 2004

University of Washington Law School Dean current salary

\$197,880

Seattle University Law School Dean current salary

\$220,830

Gonzaga University Law School Dean current salary

Salary Range:
\$160,000 – \$190,000 Current
salary being paid is close to
the top of the range.

Comparative information received January 2003

University of Washington Law School Dean salary

\$190,200

Seattle University Law School Dean salary

\$210,038

Gonzaga University Law School Dean salary

Confidential – per Director
and Corporate Counsel

**COMPARISON OF WASHINGTON'S JUDICIAL SALARIES
WITH FEDERAL JUDICIAL SALARIES
American Bar Association Policy**

DRAFT

STATE AND FEDERAL JUDICIAL SALARIES

Washington	Salary	Federal	Salary
		U.S. Supreme Court Chief Justice	\$217,400
		U.S. Supreme Court Associate Justices	\$208,100
Supreme Court	\$164,221	U.S. Circuit Courts of Appeal	\$179,500
Court of Appeals	\$156,328		
Superior Court	\$148,832	U.S. District Court	\$169,300
District Court	\$141,710		
		U.S. Court of Federal Claims	\$169,300
		U.S. Court of International Trade	\$169,300
		U.S. Bankruptcy Court	\$155,756
		Magistrate Judges – U.S. District Court	\$155,756

Note: The American Bar Association in 1981 adopted the following policy: "Be it resolved that the American Bar Association recommends that salaries of justices of the highest courts of the states should be substantially equal to the salaries paid to judges of the United States court of appeals, and the salaries of the state trial judges of courts of general jurisdiction should substantially equal the salaries paid to judges of the United States district courts."

The judges of the state courts are called on to decide many more disputes than the judges of the federal courts. Their decisions affect the "life, liberty and property" of literally millions of citizens every year. While only on rare occasions do their decisions achieve the publicity accorded by the media to many decision of the United States Supreme Court, the quality of justice accorded in state courts is in reality the quality of justice in the United States. (Annual Report of the American Bar Association, August 10-12, 1981 New Orleans, Louisiana)

DRAFT

AVERAGE SALARIES OF SEATTLE ATTORNEYS IN PRIVATE PRACTICE

Position	Average Base Salary
Attorney – entry level ¹	\$111,298
Attorney – year 6 ²	\$178,791
Attorney – year 7 ²	\$192,500

Source: FindLaw Career Center – www.infirmation.com

¹ at 31 law firms

² at 12 law firms

NATIONAL PERCENTILE WAGE ESTIMATES

Position	50% (median)	75%	90%
Attorney	\$106,120	Above \$145,600	Above \$145,600

Source: US Department of Labor; Bureau of Labor Statistics (May 2007) – www.bls.gov

LAW PARTNERS IN LARGE FIRMS - NATIONAL

Position	Salary
1 st year Associate Partner	\$145,000 not including annual bonus
Senior Partner	\$493,000 including bonus and profits

Source: National Law Journal – www.law.com (March 2006)



**WASHINGTON
COURTS**
ADMINISTRATIVE OFFICE OF THE COURTS

National Comparison of State Court Judicial Salaries

October 2008

Prepared by:
Washington State Center for Court Research
Administrative Office of the Courts
1206 Quince Street SE, Olympia, WA 98504-1170
Phone 360.753.3365 Fax: 360.956.5700

JUDICIAL SALARY COMPARISON

Rank of Washington versus Other States

Comparison Date	Court Level	Salary	Actual Ranking	Normalized Ranking
October 2008 ¹	Supreme	\$164,221	11/50	12/49
	Court of Appeals	\$156,328	8/39	10/39
	Superior	\$148,832	8/50	7/49
	District	\$141,710	1/17	2/17
October 2006 ¹	Supreme	\$145,636	14/50	13/48
	Court of Appeals	\$138,636	12/39	13/39
	Superior	\$131,988	11/50	12/48
	District	\$125,672	4/16	4/16
November 2004 ¹	Supreme	\$137,276	13/50	16/49
	Court of Appeals	\$130,678	10/39	12/39
	Superior	\$124,411	11/50	15/49
	District	\$118,458	4/17	4/16
October 2003 ¹	Supreme	\$134,584	13/50	16/48
	Court of Appeals	\$128,116	11/39	16/39
	Superior	\$121,972	11/50	17/48
	District	\$116,135	4/17	7/15
October 2002 ¹	Supreme	\$134,584	12/50	16/47
	Court of Appeals	\$128,116	11/39	16/39
	Superior	\$121,972	10/50	19/47
	District	\$116,135	4/17	8/14
October 2000 ²	Supreme	\$123,600	15/50	34/50
	Court of Appeals	\$117,420	13/39	31/39
	Superior	\$111,549	13/50	32/50
	District	\$105,972	7/18	11/18

¹ Figures were calculated based on states' cost of living index.

² Figures were calculated based on states' per capita income.

NORMALIZATION OF SALARIES

Comparing salaries between states can be misleading. States with a higher cost of living tend to have higher salary schedules. Each table includes a listing of the salaries adjusted for the differences in cost of living. The National Center for State Courts (NCSC) has derived an adjustment measure for most states called the ACCRA (American Chamber of Commerce Researchers Association) factor which was based on ACCRA Cost-of-Living Index.

The ACCRA cost of living factors were derived by looking at average costs of goods and services purchased by a typical professional and/or managerial household. The "basket" of goods and services consists of six components indices — grocery items, utilities, housing, transportation, health care, and other goods and services.

This factor is used here to "normalize" salaries across all states. The "normalization" formula is as follows:

$$\text{Normalized Salary} = \text{Actual Judicial Salary} / (\text{ACCRA Factor} / 100)$$

Prior to the October 2002 report, the Administrative Office of the Courts (AOC) used per capita income to normalize salaries. The technique described above is the same, only the adjustment factor differs. Thus, care should be exercised in comparing the normalized results to prior years' reports.

Cost of Living Index source:

ACCRA Cost-of-Living Index, National Center for State Courts, *Survey of Judicial Salaries*, Volume 33, Number 1, As of January 1, 2008.

Judicial Salary source:

National Center for State Courts, *Survey of Judicial Salaries*, Volume 33, Number 1, As of January 1, 2008.

JUDICIAL SALARY COMPARISON
HIGHEST APPELLATE COURT as of July 2008¹

	State	Actual Salary		State	Normalized Salary
1	California	\$218,237	1	Illinois	\$195,650
2	Illinois	\$189,135	2	Alabama	\$190,758
3	Delaware	\$185,050	3	Georgia	\$181,790
4	Pennsylvania	\$181,371	4	Pennsylvania	\$179,557
5	New Jersey	\$176,488	5	Delaware	\$179,277
6	Alabama	\$175,440	6	Tennessee	\$174,915
7	Georgia	\$167,210	7	Texas	\$167,598
8	Virginia	\$166,999	8	Michigan	\$167,049
9	Alaska	\$165,204	9	Virginia	\$161,009
10	Michigan	\$164,610	10	Indiana	\$157,712
11	Washington	\$164,221	11	Iowa	\$157,523
12	Connecticut	\$162,520	12	Washington	\$157,285
13	Florida	\$161,200	13	California	\$156,892
14	Tennessee	\$154,800	14	Florida	\$152,956
15	Hawaii	\$153,696	15	Ohio	\$151,638
16	Maryland	\$153,352	16	Arkansas	\$151,036
17	Rhode Island	\$152,403	17	Missouri	\$147,286
18	New York	\$151,200	18	Oklahoma	\$146,776
19	Texas	\$150,000	19	South Carolina	\$145,957
20	Iowa	\$146,890	20	Wisconsin	\$145,654
21	Indiana	\$146,562	21	Kansas	\$145,623
22	Massachusetts	\$145,984	22	Utah	\$145,095
23	Arizona	\$142,300	23	Nebraska	\$145,018
24	Minnesota	\$141,729	24	Kentucky	\$142,517
25	Ohio	\$141,600	25	North Carolina	\$139,301
26	Wisconsin	\$140,163	26	Louisiana	\$138,668
27	Nevada	\$140,000	27	New Jersey	\$137,089
28	New Hampshire	\$139,258	28	Minnesota	\$135,574
29	Utah	\$138,450	29	Arizona	\$134,385
30	Arkansas	\$137,080	30	West Virginia	\$128,436
31	South Carolina	\$135,813	31	Alaska	\$127,709
32	North Carolina	\$133,576	32	Connecticut	\$127,417
33	Missouri	\$133,043	33	Nevada	\$127,273
34	Kentucky	\$132,812	34	Colorado	\$125,724
35	Kansas	\$132,590	35	Rhode Island	\$125,528
36	Nebraska	\$131,285	36	Idaho	\$124,919
37	Oklahoma	\$131,100	37	South Dakota	\$124,329
38	Louisiana	\$131,069	38	Mississippi	\$122,595
39	Vermont	\$129,245	39	New Hampshire	\$121,094
40	Colorado	\$129,207	40	Massachusetts	\$121,008
41	Oregon	\$125,688	41	Maryland	\$120,645
42	West Virginia	\$121,000	42	North Dakota	\$120,430
43	New Mexico	\$120,792	43	New Mexico	\$119,360
44	Wyoming	\$119,300	44	New York	\$119,121
45	Idaho	\$116,025	45	Wyoming	\$117,133
46	Maine	\$114,992	46	Oregon	\$113,059
47	South Dakota	\$114,731	47	Vermont	\$109,650
48	North Dakota	\$113,578	48	Montana	\$102,892
49	Mississippi	\$112,530	49	Hawaii	\$92,705
50	Montana	\$106,185	50	Maine	

N/A - ACCRA Factor was not available for Maine.

¹ All states reported salaries as of July 2008, except Washington, which is reported as of September 1, 2008.

**JUDICIAL SALARY COMPARISON
INTERMEDIATE APPELLATE COURT as of July 2008¹**

Thirty-nine states have intermediate appellate courts

	State	Actual Salary		State	Normalized Salary
1	California	\$ 204,599	1	Alabama	\$ 189,535
2	Illinois	\$ 178,011	2	Illinois	\$ 184,143
3	Alabama	\$ 174,315	3	Georgia	\$ 180,676
4	Pennsylvania	\$ 171,131	4	Pennsylvania	\$ 169,420
5	New Jersey	\$ 167,023	5	Tennessee	\$ 169,085
6	Georgia	\$ 166,186	6	Texas	\$ 157,821
7	Virginia	\$ 158,650	7	Michigan	\$ 153,685
8	Washington	\$ 156,328	8	Indiana	\$ 153,306
9	Alaska	\$ 156,084	9	Virginia	\$ 152,960
10	Florida	\$ 153,140	10	Washington	\$ 149,725
11	Connecticut	\$ 152,637	11	California	\$ 147,088
12	Michigan	\$ 151,441	12	Iowa	\$ 146,637
13	Tennessee	\$ 149,640	13	Arkansas	\$ 146,384
14	New York	\$ 144,000	14	Florida	\$ 145,308
15	Indiana	\$ 142,467	15	South Carolina	\$ 142,307
16	Hawaii	\$ 142,308	16	Ohio	\$ 141,358
17	Maryland	\$ 142,052	17	Kansas	\$ 140,923
18	Texas	\$ 141,250	18	Oklahoma	\$ 139,051
19	Arizona	\$ 139,400	19	Utah	\$ 138,493
20	Iowa	\$ 136,739	20	Missouri	\$ 137,798
21	Massachusetts	\$ 135,087	21	Nebraska	\$ 137,768
22	Minnesota	\$ 133,546	22	Wisconsin	\$ 137,409
23	Arkansas	\$ 132,858	23	Kentucky	\$ 136,787
24	South Carolina	\$ 132,417	24	North Carolina	\$ 133,498
25	Wisconsin	\$ 132,229	25	Louisiana	\$ 131,685
26	Utah	\$ 132,150	26	Arizona	\$ 131,646
27	Ohio	\$ 132,000	27	New Jersey	\$ 129,737
28	Kansas	\$ 128,310	28	Minnesota	\$ 127,746
29	North Carolina	\$ 128,011	29	Idaho	\$ 123,843
30	Kentucky	\$ 127,472	30	Colorado	\$ 120,744
31	Nebraska	\$ 124,721	31	Alaska	\$ 120,659
32	Missouri	\$ 124,473	32	Connecticut	\$ 119,668
33	Louisiana	\$ 124,469	33	Mississippi	\$ 114,446
34	Oklahoma	\$ 124,200	34	New York	\$ 113,448
35	Colorado	\$ 124,089	35	New Mexico	\$ 113,391
36	Oregon	\$ 119,244	36	Massachusetts	\$ 111,975
37	Idaho	\$ 115,025	37	Maryland	\$ 111,755
38	New Mexico	\$ 114,752	38	Oregon	\$ 107,263
39	Mississippi	\$ 105,050	39	Hawaii	\$ 85,836

N/A - ACCRA Factor was not available for Maine.

¹ All states reported salaries as of July 2008, except Washington, which is reported as of September 1, 2008.

**JUDICIAL SALARY COMPARISON
GENERAL TRIAL COURT as of July 2008¹**

	State	Actual Salary		State	Normalized Salary
1	California	\$178,789	1	Illinois	\$ 168,975
2	Delaware	\$168,850	2	Delaware	\$ 163,583
3	Illinois	\$163,348	3	Tennessee	\$ 163,254
4	Pennsylvania	\$157,441	4	Pennsylvania	\$ 155,867
5	New Jersey	\$157,000	5	Virginia	\$ 149,473
6	Alaska	\$156,258	6	Texas	\$ 148,045
7	Virginia	\$155,033	7	Washington	\$ 142,546
8	Washington	\$148,832	8	Michigan	\$ 141,992
9	Connecticut	\$146,780	9	Alabama	\$ 141,763
10	Florida	\$145,080	10	Arkansas	\$ 141,729
11	Nevada	\$144,500	11	South Carolina	\$ 138,659
12	Tennessee	\$144,480	12	Iowa	\$ 137,849
13	Michigan	\$139,919	13	Florida	\$ 137,660
14	Hawaii	\$138,444	14	Nebraska	\$ 134,142
15	Rhode Island	\$137,212	15	Oklahoma	\$ 132,613
16	New York	\$136,700	16	Utah	\$ 131,891
17	Arizona	\$135,824	17	Nevada	\$ 131,364
18	Maryland	\$134,352	18	Kentucky	\$ 131,070
19	Texas	\$132,500	19	Indiana	\$ 130,937
20	New Hampshire	\$130,620	20	Georgia	\$ 130,737
21	Alabama	\$130,379	21	Ohio	\$ 129,953
22	Massachusetts	\$129,694	22	Wisconsin	\$ 129,633
23	South Carolina	\$129,022	23	Missouri	\$ 129,497
24	Arkansas	\$128,633	24	Kansas	\$ 128,621
25	Iowa	\$128,544	25	California	\$ 128,533
26	Utah	\$125,850	26	Arizona	\$ 128,269
27	Minnesota	\$125,363	27	North Carolina	\$ 126,242
28	Wisconsin	\$124,746	28	Louisiana	\$ 125,147
29	Vermont	\$122,867	29	West Virginia	\$ 123,129
30	Kentucky	\$122,144	30	New Jersey	\$ 121,951
31	Indiana	\$121,680	31	Alaska	\$ 120,793
32	Nebraska	\$121,439	32	Minnesota	\$ 119,919
33	Ohio	\$121,350	33	Idaho	\$ 117,119
34	North Carolina	\$121,053	34	South Dakota	\$ 116,127
35	Georgia	\$120,252	35	Colorado	\$ 115,766
36	Colorado	\$118,973	36	Connecticut	\$ 115,076
37	Oklahoma	\$118,450	37	New Hampshire	\$ 113,583
38	Louisiana	\$118,289	38	Mississippi	\$ 113,487
39	Kansas	\$117,109	39	Rhode Island	\$ 113,015
40	Missouri	\$116,975	40	Wyoming	\$ 111,537
41	West Virginia	\$116,000	41	North Dakota	\$ 110,352
42	Wyoming	\$113,600	42	New Mexico	\$ 107,722
43	Oregon	\$111,132	43	New York	\$ 107,697
44	New Mexico	\$109,015	44	Massachusetts	\$ 107,505
45	Idaho	\$108,780	45	Maryland	\$ 105,697
46	Maine	\$107,816	46	Vermont	\$ 104,239
47	South Dakota	\$107,162	47	Oregon	\$ 99,966
48	Mississippi	\$104,170	48	Montana	\$ 96,157
49	North Dakota	\$104,073	49	Hawaii	\$ 83,506
50	Montana	\$99,234	50	Maine	\$ -

N/A - ACCRA Factor was not available for Maine.

¹ All states reported salaries as of July 2008, except Washington, which is reported as of September 1, 2008.

**JUDICIAL SALARY COMPARISON
DISTRICT COURT as of July 2008¹**

Twenty-three states have courts with subject matter jurisdiction comparable to Washington State district courts and salaries established by the state, rather than local units of government.

	State	Actual Salary		State	Normalized Salary
1	Washington	\$141,710	1	Michigan	\$140,321
2	Alaska	\$140,748	2	Washington	\$135,725
3	Virginia	\$139,538	3	Nebraska	\$135,086
4	Michigan	\$138,272	4	Virginia	\$134,533
5	Florida	\$137,020	5	Indiana	\$131,282
6	Hawaii	\$135,048	6	Florida	\$130,012
7	Rhode Island	\$132,062	7	Colorado	\$119,750
8	New Hampshire	\$131,000	8	Kentucky	\$119,704
9	Massachusetts	\$130,000	9	Minnesota	\$119,571
10	Maryland	\$127,252	10	North Carolina	\$114,060
11	Minnesota	\$125,000	11	New Hampshire	\$113,913
12	Colorado	\$123,067	12	Alaska	\$108,803
13	Nebraska	\$122,293	13	Rhode Island	\$108,774
14	Indiana	\$122,000	14	Massachusetts	\$107,759
15	Kentucky	\$111,552	15	Maryland	\$100,112
16	North Carolina	\$109,372	16	Wyoming	\$97,005
17	Wyoming	\$98,800	17	Hawaii	\$81,457

¹ All states reported salaries as of July 2008, except Washington, which is reported as of September 1, 2008.

² Listed courts possess jurisdiction similar to Washington District Courts, which hear, for example, traffic, small claims, and civil case types. Courts were excluded if they hear case types, such as juvenile cases, not handled by Washington District Courts. States with judicial salaries that vary across courts were also excluded.

Appendix: ACCRA Factor¹, Survey of Judicial Salaries

State	ACCRA Factor*
Alabama	91.97
Alaska	129.36
Arizona	105.89
Arkansas	90.76
California	139.1
Colorado	102.77
Connecticut	127.55
Delaware	103.22
District of Columbia	138.76
Florida	105.39
Georgia	91.98
Hawaii	165.79
Idaho	92.88
Illinois	96.67
Indiana	92.93
Iowa	93.25
Kansas	91.05
Kentucky	93.19
Louisiana	94.52
Maine	106.37
Maryland	127.11
Massachusetts	120.64
Michigan	98.54
Minnesota	104.54
Mississippi	91.79
Missouri	90.33
Montana	103.2
Nebraska	90.53
Nevada	110
New Hampshire	115
New Jersey	128.74
New Mexico	101.2
New York	126.93
North Carolina	95.89
North Dakota	94.31
Ohio	93.38
Oklahoma	89.32
Oregon	111.17
Pennsylvania	101.01
Rhode Island	121.41
South Carolina	93.05
South Dakota	92.28
Tennessee	88.5
Texas	89.5
Utah	95.42
Vermont	117.87
Virginia	103.72
Washington	104.41
West Virginia	94.21
Wisconsin	96.23
Wyoming	101.85

*Rounded numbers, as reported by NCSC.

¹ ACCRA Factor is the average costs of goods and services purchased by a typical professional/manager household. The "basket" of goods and services consists of six components indices – grocery items, utilities, housing, transportation, health care and other goods and services. Source: NCSC, Survey of Judicial Salaries, Volume 30 Number 2, As of January 1, 2006.

Board for Judicial Administration

Proposed 2009 Legislative Agenda

Board for Judicial Administration Request Legislation – NEW REQUESTS

- **Washington State Center for Court Research – Access to Case Records and Staff Training**
 1. Gain permission from the Legislature to obtain and retain case records created in the Judicial Information System regarding juvenile offenders.
 2. WSCCR staff should have training in human subjects' protection and maintain records of training currency in the Department of Social and Health Services Human Research Review Section/Washington State Institutional Review Board's Washington State Agency List of Training Participants.**Status: BJA Approval Requested**
- **Electronic Signatures for Juror Questionnaires**

Revise RCW 2.36.072 to allow use of an electronic signature in lieu of a written signature, allowing jurors the ability to complete their jury questionnaire online via a secure site.

Status: BJA Approval Requested
- **New Judicial Positions in King County District Court**

King County District Court is requesting an additional five (5) judicial positions in response to an increased caseload.

Status: BJA Approval Requested

Board for Judicial Administration Request Legislation – PREVIOUSLY APPROVED

- **Court of Appeals**

Division II is requesting authorization for an additional judge to be added to their second district, which covers Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, due to excessive caseload. Funding is not being requested at this time.

Status: Approved by BJA on June 20, 2008.
- **State Funding of District and Qualifying Municipal Court Judges' Salaries**

Move toward 50% state funding of district and qualifying municipal court judges' salaries by implementing 10% incremental increases.

Status: Approved by BJA on July 18, 2008.
- **Increased State Funding of Jury Expenses**

Jurors at all court levels would be paid not less than \$10 for the first day of service and \$65 per day thereafter, with increases tied to the consumer price index. State funding would begin on the second day of service for daily juror pay and on day one for mileage reimbursement.

Status: Approved by BJA on July 18, 2008. Currently under revision.

Board for Judicial Administration Request Legislation – PENDING

- **Regional Courts of Limited Jurisdiction**

Ad hoc committee formed based on decision at April 18, 2008 BJA meeting to develop legislation to create optional regional courts of limited jurisdiction. Committee developed outline for legislation, which is currently being drafted.

Status: Legislation being drafted for review at future BJA meeting.

September 25, 2008

Proposal for AOC to request legislation addressing access to information for the Washington State Center for Court Research (WSCCR)

Research using court records can inform decisions about public policy pertaining to prevention, enforcement, treatment, and residential placement. Especially with regard to law-violating behavior, it is important to study and understand the population of Washington residents who have either come into contact with the court or who are likely to do so in the future. For example, treatment decisions can be informed with analysis of factors that increase the odds of a youthful offender either continuing or ceasing a career of offending. In turn, court research requires access to information, and analysis of trends or of court contact across the life-course requires record retention.

Of course, retention and analysis of records must be accomplished in a manner that protects privacy rights and does not expose study subjects to risk of harm. Therefore, WSCCR also has an obligation to achieve and keep current status as researchers trained human subjects' protection.

Components of the proposed legislation:

1. WSCCR should have explicit permission from the legislature, for research purposes only, to have and retain all case records created in the Judicial Information System, including, as an exception to RCW 13.50.100, type 7, case type 8, juvenile referral, and juvenile detention records held by the Judicial Information System, with permission to retain such records indefinitely (affecting RCW 13.50.010, 13.50.050, and 13.50.100).
2. WSCCR staff should have training in human subjects' protection and maintain records of training currency in the Department of Social and Health Services Human Research Review Section/Washington State Institutional Review Board's Washington State Agency List of Training Participants.

April 25, 2008

TO: Justice Mary Fairhurst
Judicial Information Systems Committee

FROM: Siri Woods, Clerk
Chelan County Superior Court

RE: Electronic Transmission of Juror Questionnaires

Several County Clerks have the ability to have jurors complete their jury questionnaire online via a secure site. Unfortunately, present Washington law requires a signature. RCW 2.36.072 in part provides that "each court shall establish a means to preliminarily determine by a **written declaration signed under penalty of perjury by the person** summoned." Because of this statutory requirement, a signature needs to be secured in writing.

We may need a statutory amendment to make electronic transmission of juror questionnaires process possible as GR 30 is case filing specific. All of the new jury management programs allow jurors to go on-line and fill in their jury questionnaire and return it to the court. This will save the courts postage and management time as juror questionnaire data can just fill in our system rather than requiring data entry at the courthouse. Of course, we still allow people to return them by mail if they choose and the clerks will enter the data. The electronic process will be helpful in the future to gain statistical information on response, continuance rates and reasons for excuses or postponements or special assignment.

I would recommend that the JISC support the Washington State Clerks Association in drafting legislation that adds language to RCW 2.36.072 set forth in the underlined language below:

(1) Each court shall establish a means to preliminarily determine by a written or electronic declaration signed under penalty of perjury by the person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to their appearance at the court to which they are summoned to serve.

(2) An electronic signature may be used in lieu of a written signature.

(3) "Electronic signature" is defined as means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(4) Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons. If a person summoned to appear for jury duty fails to sign and return a declaration of his or her qualifications to serve as a juror prior to appearing

in response to a summons and is later determined to be unqualified for one of the reasons set forth in RCW 2.36.070, that person shall not be entitled to any compensation as provided in RCW 2.36.150. Information provided to the court for preliminary determination of statutory qualification for jury duty may only be used for the term such person is summoned and may not be used for any other purpose, except that the court, or designee, may report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.



**King County
District Court
Office of the Chief Presiding Judge**

W1034 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
Telephone: (206) 205-2820
Fax: (206) 296-0596

**The Honorable Barbara Linde
Chief Presiding Judge**

**Tricia Crozier
Chief Administrative Officer**

September 26, 2008

Jeff Hall
State Court Administrator
Administrative Office of the Court
1206 Quince Street
P.O. Box 41170
Olympia, WA 98504-1170

Dear Mr. Hall:

This letter is in response to your September 4th letter that provides the 2008 objective workload analysis for the District and Municipal Courts Judicial Need. This analysis presented an estimated judicial need for the King County District Court of 25.57 judges.

In your letter you ask that we provide you with the number of additional District Court judicial positions King County District Court would like the 2009 Legislature to consider, so that you can inform the Board for Judicial Administration. Based on our current judicial need, District Court is requesting five additional judicial positions for 2009, which would bring us to 26 judicial positions.

Thank you for your assistance and we look forward to speaking with you in the near future regarding this matter.

Sincerely,

Barbara Linde
Chief Presiding Judge
King County District Court

Cc: King County District Court Judges
Judge Marilyn G. Paja, President District and Municipal Court Judges Association
Tricia Crozier, Chief Administrative Officer

Jury Pay Legislative Proposal

Based on Current Washington State Minimum Wage With CPI Inflation Escalator,
Three-Year Ramp Up Starting in 2011, and Policy Compliance Requirements

1 **RCW 2.36.150 Juror compensation and expense payments — Reimbursement by** 2 **state — Pilot projects.**

3
4 (1) Grand, petit, coroner's, and district court jurors shall receive for each day's
5 attendance, besides expense payments for mileage at the rate determined under RCW
6 43.03.060, the following expense payments the following compensation:

7 (a) For jury service before July 1, 2010, up to twenty-five dollars but in no case less
8 than ten dollars for each day's attendance.

9
10 (b) For jury service beginning July 1, 2010 and until July 1, 2011, up to sixty-five
11 dollars but in no case less than ten dollars for the first day of attendance and up to sixty-
12 five dollars but in no case less than twenty dollars for each day thereafter.

13
14 (c) For jury service beginning July 1, 2011 and until July 1, 2012, up to sixty-five
15 dollars but in no case less than ten dollars for the first day of attendance and up to sixty-
16 five dollars but in no case less than forty dollars for each day thereafter.

17
18 (d) For jury service beginning July 1, 2012, up to sixty-five dollars but in no case less
19 than ten dollars for the first day of attendance and sixty-five dollars for each day
20 thereafter. Beginning on July 1, 2012, the administrative office of the courts shall
21 annually adjust the maximum amount for the first day of attendance and the amount for
22 subsequent days attendance for inflation based on changes in the consumer price index
23 during the previous calendar year. "Consumer price index" means, for any calendar
24 year, that year's annual average consumer price index for urban wage earners and
25 clerical workers, all items, compiled by the bureau of labor and statistics, United States
26 department of labor.

27
28 ~~(1) Grand jurors may receive up to twenty-five dollars but in no case less than ten~~
29 ~~dollars;~~

30
31 ~~(2) Petit jurors may receive up to twenty-five dollars but in no case less than ten~~
32 ~~dollars;~~

33
34 ~~—(3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten~~
35 ~~dollars;~~

36
37 ~~—(4) District court jurors may receive up to twenty-five dollars but in no case less than~~
38 ~~ten dollars;~~

39
40 (2) The juror compensation rates in subsection 1 are subject to the availability of
41 funds specifically appropriated for reimbursement by the state as provided in subsection

1 4. If such funds are not appropriated, grand, petit, coroner's, and district court jurors
2 shall receive, besides expense payments for mileage at the rate determined under
3 RCW 43.03.060, up to twenty-five dollars but in no case less than ten dollars for each
4 day's attendance.

5
6 (3) The county is solely responsible for juror compensation for the first day of
7 attendance and for any juror expense payments including mileage. The compensation
8 paid to jurors for the first day of attendance shall be determined by the county legislative
9 authority and shall be uniformly applied within the county.

10
11 (4) Subject to the availability of funds specifically appropriated therefor, the state shall
12 reimburse the county quarterly for juror compensation required under this section for
13 jury attendance after the first day beginning July 1, 2010. The reimbursement shall be
14 based on a rate of twenty dollars per day beginning July 1, 2010 until July 1, 2011, forty
15 dollars per day beginning July 1, 2011 until July 1, 2012, and sixty-five dollars per day
16 as adjusted for inflation under RCW 2.36.150(1)(d) beginning July 1, 2012. To receive
17 reimbursement the county must:

18 (a) Certify to the administrative office of the courts by January 1st of each year for
19 which reimbursement is requested that the county has:

20 (i) Implemented a policy on juror service in which the period of time a juror is
21 required to be present at the court facility may not exceed two days during any
22 jury term, except to complete a trial to which the juror was assigned; and

23 (ii) Complied with any requirements adopted by the board for judicial
24 administration for the management of juries and jurors;

25 (b) Have provided to the administrative office of the courts data, for the most recent
26 calendar year, specified by the board for judicial administration for the calculation of
27 juror yield and juror utilization statistics; and

28 (c) Use forms prescribed by the administrative office of the courts to request
29 reimbursement.

30
31 (5) PROVIDED, That a A person excused from jury service at his or her own request
32 shall be allowed not more than a per diem and such mileage, if any, as to the court shall
33 seem just and equitable under all circumstances.

34
35 (6) : PROVIDED FURTHER, That tThe state shall fully reimburse the county in which
36 trial is held for all jury fees and witness fees related to criminal cases which result from
37 incidents occurring within an adult or juvenile correctional institution.

38
39 : PROVIDED FURTHER, That the expense payments compensation paid to jurors for
40 the first day of attendance shall be determined by the county legislative authority and
41 shall be uniformly applied within the county.

42
43 For the fiscal year ending June 30, 2007, jurors participating in pilot projects in
44 superior, district, and municipal courts may receive juror fees of up to sixty two dollars

1 for each day of attendance in addition to mileage reimbursement at the rate determined
2 under RCW 43.03.060.

3
4
5 **RCW 3.50.135 Request for jury trial in civil cases — Exception — Fee — Juror**
6 **compensation and expense payments — Jury trials in criminal cases.**

7
8 (1) In all civil cases, the plaintiff or defendant may demand a jury, which shall consist
9 of six citizens of the state who shall be impaneled and sworn as in cases before district
10 courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury
11 trial may be held on a proceeding involving a traffic infraction.

12
13 (2) A party requesting a jury shall pay to the court a fee which shall be the same as
14 that for a jury in district court. If more than one party requests a jury, only one jury fee
15 shall be collected by the court. The fee shall be apportioned among the requesting
16 parties.

17
18 (3) ~~Each juror may receive up to twenty-five dollars but in no case less than ten~~
19 ~~dollars for each day in attendance upon the municipal court shall be compensated as~~
20 ~~provided in RCW 2.36.150(1), and in addition thereto shall receive mileage at the rate~~
21 ~~determined under RCW 43.03.060.:~~

22
23 (4) The juror compensation rates in subsection 3 are subject to the availability of
24 funds specifically appropriated for reimbursement by the state as provided in subsection
25 4. If such funds are not appropriated, jurors shall receive, besides expense payments
26 for mileage at the rate determined under RCW 43.03.060, up to twenty-five dollars but
27 in no case less than ten dollars for each day's attendance.

28
29 (5) ~~PROVIDED, That~~ The city is solely responsible for juror compensation for the first
30 day of attendance and for any juror expense payments including mileage. Subject to
31 the availability of funds specifically appropriated therefor, the state shall reimburse the
32 city quarterly for any additional juror compensation required under this section for jury
33 attendance after June 30, 2010. Such reimbursement shall be based on the same
34 schedule of rates and the city shall be subject to the same requirements imposed on
35 counties in RCW 2.36.150(4). The compensation paid jurors for the first day of
36 attendance shall be determined by the legislative authority of the city and shall be
37 uniformly applied.:

38
39 (6) Jury trials shall be allowed in all criminal cases unless waived by the defendant.
40
41
42

1 **RCW 35.20.090 Trial by jury — Juror compensation and expense payments's**
2 **fees.**

3
4 (1) In all civil cases and criminal cases where jurisdiction is concurrent with district
5 courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the
6 plaintiff or defendant may demand a jury, which shall consist of six citizens of the state
7 who shall be impaneled and sworn as in cases before district courts, or the trial may be
8 by a judge of the municipal court: PROVIDED, That no jury trial may be held on a
9 proceeding involving a traffic infraction.

10
11 (2) A defendant requesting a jury shall pay to the court a fee which shall be the same
12 as that for a jury in district court. Where there is more than one defendant in an action
13 and one or more of them requests a jury, only one jury fee shall be collected by the
14 court.

15
16 (3) Each juror may receive up to twenty-five dollars but in no case less than ten
17 dollars for each day in attendance upon the municipal court shall be compensated as
18 provided in RCW 2.36.150(1), and in addition thereto shall receive mileage at the rate
19 determined under RCW 43.03.060.:

20
21 (4) The juror compensation rates in subsection 3 are subject to the availability of
22 funds specifically appropriated for reimbursement by the state as provided in subsection
23 4. If such funds are not appropriated, grand, petit, coroner's, and district court jurors
24 shall receive, besides expense payments for mileage at the rate determined under
25 RCW 43.03.060, up to twenty-five dollars but in no case less than ten dollars for each
26 day's attendance.

27
28 (5) PROVIDED, That: (The city is solely responsible for juror compensation for the
29 first day of attendance and for any juror expense payments including mileage. Subject
30 to the availability of funds specifically appropriated therefor, the state shall reimburse
31 the city quarterly for any additional juror compensation required under this section for
32 jury attendance after June 30, 2010. Such reimbursement shall be based on the same
33 schedule of rates and the city shall be subject to the same requirements imposed on
34 counties in RCW 2.36.150(4). The compensation paid jurors for the first day of
35 attendance shall be determined by the legislative authority of the city and shall be
36 uniformly applied;

37
38 (6) Trial by jury shall be allowed in criminal cases involving violations of city
39 ordinances commencing January 1, 1972, unless such incorporated city affected by this
40 chapter has made provision therefor prior to January 1, 1972.

Juror Pay Proposal

	State			Local		
	Jury Pay	Travel	Total	Jury Pay	Travel	Total
Current						
Year 1	\$0	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Year 2	\$0	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Biennium	\$0	\$0	\$0	\$5,870,946	\$6,224,374	\$12,095,320
Proposed: State pays \$65 per day starting on the second day of service. Local governments pay \$10 (or other current rate) for first day. The \$65 rate is adjusted for inflation every year based on the increase in CPI.						
Year 1	\$9,910,615	\$3,112,187	\$13,022,802	\$1,330,110	\$0	\$1,330,110
Year 2	\$10,207,933	\$3,112,187	\$13,320,120	\$1,330,110	\$0	\$1,330,110
Biennium	\$20,118,548	\$6,224,374	\$26,342,922	\$2,660,220	\$0	\$2,660,220
						\$14,352,912
						\$14,650,230
						\$29,003,142

Jury Pay Legislative Proposal
 Based on Current Washington State Minimum Wage With CPI Inflation Escalator
 and Three-Year Ramp Up Starting in 2011

	State			Local		
	Jury Pay	Travel	Total	Jury Pay	Travel	Total
Current						
Year 1	\$0	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Year 2	\$0	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
Biennium	\$0	\$0	\$0	\$5,870,946	\$6,224,374	\$12,095,320
Proposed:						
State pays \$65 per day starting on the second day of service. Local governments pay \$10 (or other current rate) for first day.						
The \$65 rate is adjusted for inflation every year based on the increase in CPI.						
Local courts pay all travel.						
Pay increase and state funding start on July 1, 2010.						
Three year ramp-up (with annual increases in pay and state budget requirement) to full funding in FY 2013.						
FY 2010	\$0	\$0	\$0	\$2,935,473	\$3,112,187	\$6,047,660
FY 2011	\$3,049,420	\$0	\$3,049,420	\$1,330,110	\$3,112,187	\$4,442,297
2009-2011 Biennium	\$3,049,420	\$0	\$3,049,420	\$4,265,583	\$6,224,374	\$10,489,957
FY 2012	\$6,098,840	\$0	\$6,098,840	\$1,330,110	\$3,112,187	\$4,442,297
FY 2013	\$10,514,171	\$0	\$10,514,171	\$1,330,110	\$3,112,187	\$4,442,297
2011-2013 Biennium	\$16,613,011	\$0	\$16,613,011	\$2,660,220	\$6,224,374	\$8,884,594

Schedule with ramp up to full funding in 2011-2013 biennium:

- \$20.00 Starting 7/1/2010
- \$40.00 Starting 7/1/2011
- \$68.96 Starting 7/1/2012

State minimum wage with CPI escalation: assumes \$65 state minimum wage in 2009 plus adjustments based on assumed increases in 2010 and 2011 CPI.
 Assumes 3 % annual increase in CPI.



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

District and Municipal Court Judges' Association

September 30, 2008

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JUDGE VERONICA ALICEA-GALVAN
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(206) 878-4597 (206) 870-4387 FAX

TO: Honorable Gerry L. Alexander, Chief Justice
Chair, Board for Judicial Administration

Honorable Vickie I. Churchill
Member Chair, Board for Judicial Administration

FROM: Honorable Marilyn G. Paja
President, District and Municipal Court Judges' Association

RE: PROPOSED AMENDMENT OF IRLJ 6.2 MONETARY
PENALTY SCHEDULE FOR INFRACTIONS

As you may be aware, the District and Municipal Court Judges' Association (DMCJA) undertook to review its position with respect to the Court setting infraction and criminal penalties by court rule. Based on that review, the DMCJA is forwarding the attached proposed amendment for Board for Judicial Administration consideration. This proposal was unanimously adopted by the DMCJA Long Range Planning Committee and the DMCJA Board.

The DMCJA has two primary concerns with the Supreme Court setting infraction penalties by court rule. First, setting penalties for violations of law is a uniquely legislative function. While the legislature can delegate that authority, placing that responsibility with the Court blurs the lines distinguishing between branches of government.

The legislature has delegated authority to the Supreme Court for setting some infraction penalties. However, in most of the areas in which authority has been delegated there are executive branch agencies or departments to which the legislature has now granted regulatory authority. Those agencies are in a better position than is the Supreme Court to set appropriate penalties; and they have the rule making authority to do so. The DMCJA is concerned that citizens who are interested in participating in agency rule making, including setting penalties, may be excluded from the process if they are unaware the Supreme Court is setting penalties pursuant to the Court's rule making process.

Honorable Gerry L. Alexander
Honorable Vickie I. Churchill
September 30, 2008
Page 2

Traffic infractions are the one area in which there has been no identified regulatory authority outside the courts that could set penalties. The DMCJA suspects that this lack of an identified regulatory agency is the historical reason that the Court has been asked to set penalties for traffic infractions. While the DMCJA understands the logic of delegating penalty-setting authority for traffic infractions to the Supreme Court, we are concerned about the perception that may be created by the Supreme Court setting penalties that are a source of revenue for the city or county in which courts sit. Anecdotally, our membership reports that this has occurred.

The DMCJA suggests that the Department of Transportation or Traffic Safety Commission, as executive branch agencies, might be logical entities to which the legislature might delegate penalty setting authority for traffic infractions. Of course, the legislature is not required to delegate penalty setting authority and could choose to retain that authority.

The DMCJA realizes that these proposed changes would have a significant impact on regulatory agencies that have relied on the Supreme Court to set penalties. Over the past year or more, the discussion has taken place at a low level, but this will be a change at a higher policy level. We are also aware that any change creates uncertainty that may result in resistance to change. The changes the DMCJA is proposing are significant and effecting the proposed changes will require management of the process and significant communication with the impacted groups. The effective date of the rule change would need to be coordinated to ensure that the regulatory agencies were prepared to implement their own penalty schedules at the time of the court rule change. The Administrative Office of the Courts is aware of the DMCJA's proposals and has assured us that they are prepared to assist with the transition should the Court adopt our recommendations. The DMCJA realizes that it also has a role; we are prepared to do whatever we can to assist in a smooth transition.

Knowing that the Supreme Court ultimately will determine any rule change, the DMCJA would like to undertake some discussion of this issue at the BJA level before we undertake discussion at a higher level with the affected agencies. We feel that this discussion is necessary to even begin to determine what the effective date of this rule change might be. Frankly, we don't want to unnecessarily 'upset the apple cart' if the BJA is heartily against any change.

The DMCJA sincerely thanks the BJA for its consideration of this proposal to amend Infraction Rules for Courts of Limited Jurisdiction 6.2

Attachment

cc: Ms. Ashley DeMoss, AOC

N:\c:\sr\DATA\DMCJA\Presidents Correspondence\08-09Paja\RLJ 6.2 cover letter to BJA.doc

GR 9 COVER SHEET
Suggested Amendment
Infraction Rules for Courts of Limited Jurisdiction (IRLJ)
Rule Amendment 6.2 Monetary Penalty Schedule for Infractions

Submitted by the District and Municipal Court Judges' Association

- (A) **Name of Proponent:** District and Municipal Court Judges' Association (DMCJA)
- (B) **Spokesperson:** Judge Marilyn G. Paja, President, DMCJA
- (C) **Purpose:** The Washington Legislature has delegated authority to the Supreme Court to enact traffic and natural resource infraction penalties. (RCW 46.63.110(3) and RCW 7.84.100(2)). No other delegation of such authority exists. The Supreme Court has enacted infraction penalties for traffic infractions as well as for violations of other statutes and administrative code provisions (WAC). The District and Municipal Court Judges' Association (DMCJA) feels that it creates a perception of partiality for the Court to legislate penalties.

By this proposal, the DMCJA suggests that the Supreme Court should not enact penalties for which the legislature has not specifically delegated legislative authority to the Court. There are executive branch departments and/or commissions to which the legislature has delegated regulatory authority (e.g.: Department of Fish and Wildlife) that can enact penalties in compliance with the Administrative Procedures Act, and to which stakeholders expect to look for action in the regulatory area.

While no specific regulatory agency exists in the traffic area, the DMCJA feels that courts enacting and ultimately enforcing traffic penalties creates a perception that courts are raising money as opposed to enforcing the law. Arguments have been advanced suggesting that the Court by enacting traffic penalties has maintained some stability in traffic penalties. While base penalties have remained relatively stable, the legislature has frequently imposed assessments that are added on to base penalties that have resulted in regular increases to total penalties. While it is the legislature that actually changes the penalties by adding assessments, we believe that the public perceives the changes as having been made by the Court.

- (D) **Hearing:** None recommended.

(E) Expedited Consideration: The DMCJA requests expedited consideration of this rule change to allow the rulemaking to be considered and continued outside of the normal time line for Supreme Court rulemaking. The change of policy and process would need to be coordinated with the regulatory agencies whose penalties are currently set in court rule. The effective date of the potential rule amendment would need to be set in consultation with those agencies to ensure that their penalty schedules are in place before the court's penalty schedule rule is eliminated.

N: \crtsv\DMCJA\Presidents Correspondence\Paja\GR 9 cover sheet for IRLJ 6.2

IRLJ 6.2
MONETARY PENALTY SCHEDULE FOR
INFRACTIONS

——— **(a) Effect of Schedule.** The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a higher amount which produces the next greatest even dollar total.

——— **(b) Unscheduled Infractions.** The penalty for any infraction not listed in this rule shall be \$42, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

——— **(c) Infractions Not Covered.** This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

——— **(d) Penalty Schedule.** The following infractions shall have the penalty listed, not including statutory assessments.

	Base Penalty
(1) — Traffic Infractions	
Second Degree Negligent Driving	\$250
Wrong way on freeway (RCW 46.61.150)	\$182
Wrong way on freeway access (RCW 46.61.155)	\$87
Backing on limited access highway (RCW 46.61.605)	\$87
Spilling or failure to secure load (RCW 46.61.655)	\$87
Throwing or depositing debris on highway (RCW 46.61.645)	\$87
Disobeying school patrol (RCW 46.61.385)	\$87
Passing stopped school bus (with red lights flashing) ——— (RCW 46.61.370)	\$87
Violation of posted road restriction (RCW 46.44.080; ——— RCW 46.44.105(4))	\$182
Switching license plates, loan of license or use of another's ——— (RCW 46.16.240)	\$87
Altering or using altered license plates (RCW 46.16.240)	\$87
Operator's Licenses (RCW 46.20)	
No Valid Driver's License (With Identification)	\$250
All other RCW 46.20 infractions	\$42
Vehicle Licenses (RCW 46.16)	
——— Expired Vehicle License (RCW 46.16.010)	

— Two months or less	\$42
— Over 2 months	\$87
Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
— 1-5 m.p.h. over limit	\$27
— 6-10 m.p.h. over limit	\$37
— 11-15 m.p.h. over limit	\$52
— 16-20 m.p.h. over limit	\$67
— 21-25 m.p.h. over limit	\$82
— 26-30 m.p.h. over limit	\$102
— 31-35 m.p.h. over limit	\$127
— 36-40 m.p.h. over limit	\$152
— Over 40 m.p.h. over limit	\$182
Speeding if speed limit is 40 m.p.h. or less	
— 1-5 m.p.h. over limit	\$37
— 6-10 m.p.h. over limit	\$42
— 11-15 m.p.h. over limit	\$57
— 16-20 m.p.h. over limit	\$77
— 21-25 m.p.h. over limit	\$102
— 26-30 m.p.h. over limit	\$127
— 31-35 m.p.h. over limit	\$152
— Over 35 m.p.h. over limit	\$182
Speed-Too Fast for Conditions (RCW 46.61.400(1))	\$42
Rules of the Road	
— Failure to stop (RCW 46.61.050)	\$42
— Failure to stop on approach of emergency vehicle (RCW 46.61.210)	\$500
— Failure to yield the right of way (RCW 46.61.180, 185, .190, .205, .235, .300, .365)	\$42
— Failure to yield the right of way on approach of emergency vehicle (RCW 46.61.210)	\$500
— Following too close (RCW 46.61.145, .635)	\$42
— Failure to signal (RCW 46.61.310)	\$42
— Improper lane usage or travel (RCW 46.61.140)	\$42
— Impeding traffic (RCW 46.61.425)	\$42
— Improper passing (RCW 46.61.110, .115, .120, .125, .130)	\$42
— Prohibited and improper turn (RCW 46.61.290, .295, .305)	\$42
— Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	\$42
— Operating with obstructed vision (RCW 46.61.615)	\$42
— Wrong way on one-way street (RCW 46.61.135)	\$42
— Failure to comply with restrictive signs (RCW 46.61.050)	\$42

Accident	
—— If an accident occurs in conjunction with any of the listed rules of the road infractions or speed too fast for conditions, the penalty for the infraction shall be:	\$67
Equipment (RCW 46.37)	
—— Illegal use of emergency equipment (RCW 46.37.190)	\$87
—— Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390(1) and (3))	
—— First offense (the penalty may be waived upon proof to the court of compliance)	\$47
—— Second offense within 1 year of first offense	\$67
—— Third and subsequent offenses within 1 year of first offense	\$87
—— Any other equipment infraction (RCW 46.37.010)	\$42
Motorcycles	
—— Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	\$42
Parking	
—— Illegal parking on roadway (RCW 46.61.560)	\$30
—— Any other parking infraction (not defined by city or county ordinance)	\$20
Pedestrians	
—— Any infraction regarding pedestrians (not defined by city or county ordinance)	\$27
Bicycles	
—— Any infraction regarding bicycles	\$32
Load Violations	
—— (all under RCW 46.44, except over license capacity) (see RCW 46.16)	
—— Over legal tires, wheelbase (RCW 46.44.105(1))	
—— (First offense)	\$72
—— (Second offense)	\$102
—— (Third offense)	\$117
—— In addition to the above (RCW 46.44.105(2))	
—— 3 cents per excess pound	
—— Over license capacity (RCW 46.16.145)	
—— (First offense)	\$57
—— (Second offense)	\$102
—— (Third offense)	\$117
—— Violation of special permit	\$67
—— Failure to obtain special permit	\$67

Failure to submit to being weighed	\$67
Illegal vehicle combination (RCW 46.44.036)	\$67
Illegally transporting mobile home	\$72
Any other infraction defined in RCW 46.44	\$52
Violation of Federal Motor Carrier Safety Regulations	
(RCW 46.32.010)	
Logbook/Medical Certificate	\$69
Equipment/All Others	\$42
Private Carrier (RCW 46.73)	
Failure to display valid medical exam	\$69
Violation of daily log book	
Driver not out of service	\$69
Driver out of service	\$95
Off Road Vehicles (ATVs) (RCW 46.09)	
Any RCW 46.09 infraction	\$47
Snowmobiles (RCW 46.10)	
Any RCW 46.10 infraction	\$47
Failure to respond to notice of infraction or failure to pay penalty	\$25
(RCW 46.63.110(3))	
Failure to provide proof of motor vehicle insurance	\$250
(RCW 46.30.020)	
(2) Commercial Vehicle Infractions	
Defective Equipment/Driver Safety (auto transp.)	\$42
(WAC 480-30-095)	
Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	\$42
Defective Equipment/Driver Safety (charter/excursion bus)	\$42
(WAC 480-40-075)	
Commercial Vehicle License (charter/excursion bus)	\$42
(WAC 480-40-075(1))	
Defective Equipment/Driver Safety (solid waste transp.)	\$42
(WAC 480-70-400)	
Commercial Vehicle License (solid waste transp.)	\$42
(WAC 480-70-400(1))	
Failure To Have Proof of Insurance (RCW 81.80.190)	\$250
Defective Equipment/Driver Safety (WAC 480-12-180)	\$42
Commercial Vehicle License (WAC 480-12-180(1))	\$42
Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	\$42
Commercial Vehicle License (limousine) (WAC 480-35-090(1))	\$42

(3) — Parks and Recreation Infractions

Display of Snowmobile Registration Number, Decals, and Validation Tabs (WAC 308-94-070)	\$55
Off Road Vehicle Traffic Prohibited (WAC 332-52-030(4))	\$42
Travel Off Road or Off Trail (WAC 332-52-030(4)(e))	\$42
Spark-Arresting Muffler Required (WAC 332-52-030(4)(h))	\$42
Yield Right of Way to:	
Log Hauling and Gravel Trucks (WAC 332-52-030(4)(l))	\$42
Animal Drawn Vehicles/Persons Riding Animals (WAC 332-52-030(4)(l))	\$42
Following Closer Than 150 Feet (WAC 332-52-030(4)(m))	\$42
Moving Through Livestock Herd Without Direction (WAC 332-52-030(4)(o))	\$42
Parking on the Traveled Portion of the Roadway (WAC 332-52-030(4)(q))	\$30
Excessively Rev Vehicle Engine (WAC 332-52-030(4)(r))	\$42
Driving/Parking Vehicles (WAC 332-52-050(1))	\$42
Bicycles/Motorbikes/Motoreycles on Posted Trails (WAC 332-52-050(3))	\$42
Driving Motor Vehicle in Camp (WAC 332-52-050(4))	\$42
Moorage and Use of Marine Facilities (WAC 352-12-010)	\$42
Moorage Fees (WAC 352-12-020)	\$42
Seasonal Permits (WAC 352-12-030)	\$42
Use of Onshore Campsites (WAC 352-12-040)	\$42
Self-Registration (WAC 352-12-050)	\$67
Parking (WAC 352-20-010)	\$24
Motor Vehicles on Roads and Trails (WAC 352-20-020)	\$67
Speed Limits (WAC 352-20-030)	\$42
Vehicles in Snow Areas (WAC 352-20-040)	\$67
Trucks and Commercial Vehicles (WAC 352-20-050)	\$42
Camping (WAC 352-32-030)	\$67
Campsite Reservation (WAC 352-32-035)	\$42
Picnicking (WAC 352-32-040)	\$42
Park Periods (Unlawful Entry) (WAC 352-32-050)	\$67
Park Capacities (WAC 352-32-053)	\$42
Peace and Quiet (WAC 352-32-056)	\$67
Pets (WAC 352-32-060)	\$42
Horseback Riding (WAC 352-32-070)	\$42
Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)	\$42
Swimming (WAC 352-32-080)	\$42
Games (WAC 352-32-090)	\$42
Disrobing (WAC 352-32-100)	\$42
Tents, etc., on Beaches (WAC 352-32-110)	\$42

Lakes Located Wholly Within State Park Boundaries Internal —— Combustion Engines Prohibited (WAC 352-32-155)	\$42
Lakes located Partially Within State Park Boundaries Internal —— Combustion Engines Prohibited (WAC 352-32-157)	\$42
Solicitation (WAC 352-32-195)	\$67
Intoxication in State Park Areas (WAC 352-32-220)	\$142
Food and Beverage Containers on Swimming Beaches (WAC 352-32-230)	\$42
Use of Metal Detectors in State Parks (WAC 352-32-235)	\$42
Self-Registration (WAC 352-32-255)	\$67
Sno Park Permit (WAC 352-32-260)	\$42
Sno Park Permit Display (WAC 352-32-265)	\$42
Vehicular Traffic—Where Permitted—Generally (WAC 352-37-030)	\$67
Equestrian Traffic (WAC 352-37-080)	\$42
Pedestrians To Be Granted Right of Way (WAC 352-37-090)	\$42
Beach Parking (WAC 352-37-100)	\$24
Overnight Parking or Camping Prohibited (WAC 352-37-110)	\$67
Speed Limits (WAC 352-37-130)	\$42

(4) ~~Boating Infractions~~

Operating Vessel in Negligent Manner (RCW 79A.60.030)	\$167
No Personal Flotation Device (PFD) on Vessel for Each Person —— (RCW 79A.60.160(1))	\$42
Personal Flotation Device Not the Appropriate Size —— (RCW 79A.60.160(1))	\$42
Personal Flotation Device Not Readily Accessible —— (RCW 79A.60.160(1))	\$42
Observer Required on Board Vessel (RCW 79A.60.170(2))	\$42
Observer To Continuously Observe (RCW 79A.60.170(2))	\$42
Failure To Display Skier Down Flag (RCW 79A.60.170(2))	\$42
Flag/Pole Not to Specifications (RCW 79A.60.170(2))	\$42
Observer Does Not Meet Minimum Qualifications (RCW 79A.60.170(3))	\$67
Water Skier Not Wearing Personal Flotation Device —— (RCW 79A.60.170(4))	\$67
Overloading of Vessel Beyond Safe Carrying Ability —— (RCW 79A.60.180(1))	\$117
Carrying Passengers in Unsafe Manner (RCW 79A.60.180(1))	\$67
Overpowering of Vessel Beyond Vessel's Ability To Operate Safely —— (RCW 79A.60.180(2))	\$117
Person Not Wearing Personal Flotation Device (PFD) on Personal —— Watercraft (RCW 79A.60.190(1))	\$67
Failure To Give Accident Information to Law Enforcement —— (RCW 79A.60.200(1))	\$117
Motor Propelled Vessels Without Effective Muffler in Good —— Working Order and Constant Use (RCW 79A.60.130(1))	\$42
Sound Level in Excess of 90 Decibels for Engines Made Before	\$42

1/1/94 Using Stationary Test (RCW 79A.60.130(1))	
Sound Level in Excess of 88 Decibels for Engines Made on or	\$42
After 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	
Sound Level in Excess of 75 Decibels Using Shoreline Test	\$42
(RCW 79A.60.130(3))	
Removing, Altering or Modifying Muffler or Muffler System	\$42
(RCW 79A.60.130(7))	
Manufacturing, Selling, or Offering for Sale Any Vessel Equipped	\$67
With Noncomplying Muffler or Muffler System	
(RCW 79A.60.130(8))	
Vessel Exemption/Exception for Competing in Racing Events	\$42
Carried on Board Operating Vessel (RCW 79A.60.130(8))	
Personal Flotation Devices (PFDs) (WAC 352-60-030)	\$42
Visual Distress Signals (WAC 352-60-040)	\$42
Ventilation (WAC 352-60-050)	\$42
Navigation Lights and Sound Signals (WAC 352-60-060)	\$42
Steering and Sailing (WAC 352-60-070)	\$42
Fire Extinguishing Equipment (WAC 352-60-080)	\$42
Backfire Flame Control (WAC 352-60-090)	\$42
Liquefied Petroleum Gas (WAC 352-60-100)	\$42
Canadian Vessels (WAC 352-60-110)	\$42

[Adopted effective September 1, 1992; amended effective June 25, 1993; May 1, 1994; August 15, 1995; June 5, 1996; December 28, 1999; July 22, 2001; April 30, 2007.]

PSEA Committee Charge:

Determine if it is feasible to develop a penalty classification schedule for traffic infractions similar to that adopted for civil infractions under Title 7 RCW.

Staff Recommendation:

Preliminary research and analysis suggests that traffic infraction penalties could be organized into between 12 and 15 different penalty classifications (down from the current 31). However, based on the issues detailed below, staff recommends that this project not be undertaken at this time.

Issues to Consider:

1. Buy-in would be essential from the following stakeholders regarding their comfort level with potential revenue impacts.
 - Cities
 - Counties
 - Legislature
 - OFM
 - Courts
 - JIS
 - Trauma Care
 - Other PSEA takers

2. A 1999 analysis conducted by AOC on the impact of fine and assessment increases on revenue collections found that increased penalties result in:
 - A decrease in the collection rate.
 - An increase in the number of time payment requests.
 - An increase in the number of failures to pay or appear.
 - An increase in the number of hearings.
 - A reduction of the penalty amount ordered at hearings.

Therefore, to obtain the precise impact on revenue of any penalty increases or decreases resulting from the reclassification, a detailed, technical, time-consuming, and potentially expensive analysis is required for each RCW with a penalty change.

3. The current revenue model is not adequate for developing solid revenue projections at this detailed level of analysis. It is likely that an outside vendor will be required to model revenue impacts.

4. There could be significant policy decisions on assigning current infractions to classes. This could run counter to the attempt to keep the penalty re-classification revenue neutral.

5. There would have to be a major RCW rewrite to re-classify all traffic infractions. The criminal RCW re-organization, undertaken in 2004, cost approximately \$50,000 for the analysis and re-drafting work.

6. The classification of traffic infraction penalties should tie-in to the proposal to eliminate PSEA assessments. (Note that the proposal to eliminate PSEA assessments separately effects item 1 above.) If the decision is made not to eliminate all the assessments, calculations would have to be done to back out the PSEA, Trauma, and Legislative Assessments to determine the base penalty of each class. This would result in some odd penalty amounts rather than the more graduated table (or something similar) suggested above.

Steps Required:

1. Decide if all current civil and traffic infraction assessments should be eliminated. (The PSEA Committee has agreed that this should be recommended with current total penalty and revenue distribution remaining unchanged).
2. Determine the new traffic infraction penalty class levels.
3. Develop a new traffic infraction revenue model.
4. Perform a revenue analysis using the new model.
5. Adjust penalty levels if necessary, and re-run the model until a revenue and cost neutral result can be achieved.
6. Hire a contractor to review and amend the traffic infraction laws with the new penalty classes and to redraft the assessment statutes (PSEA, Trauma, JIS, Legislative Assessment) to eliminate the infraction penalty assessments.
7. Draft legislation.
8. Update the court rule to reflect the new penalty classes and the elimination of the JIS assessment.
9. Notify courts so that they can make the necessary changes to their local laws.
10. Notify law enforcement and other interested agencies of penalty changes.

Background Research:

Committee staff requested a report from JIS listing charges filed between July 2003 and July 2005, by penalty amount assessed, and RCW. This request returned 40,000 records. The report was then further summarized to show a range of penalties assessed by RCW (see example below). This reduced the report to 500 records. Penalties for each law (based on the amount in the JIS law table) were added for each RCW, and that resulted in 29 different penalty levels (from \$71 to \$1,050) for these two years of charge data. The JIS law table currently has 31 different penalty levels.

Law	Penalty Assessed	Charges Filed 07/03 – 07/04	Charges Filed 07/04 – 07/05	Law Table Total Penalty
46.16.010.3.L	50.01 – 149.99	1,101	17,554	\$101
	150.00 – 249.99	44	614	
	250.00 – 349.99	8	56	
	350.00 – 449.99	1	14	
	450.00 – 549.99		7	
	550.00 – 649.99		2	
	950.00 – 1,049.99		1	

Although this report indicates that different levels of penalties are being assessed, in general, the penalties are within the range you would expect. See above that the majority of the penalties assessed are within the \$50.01 - \$149.99 range, and the law table has the penalty at \$101 (including assessments).

It should be further noted that the data goes back to July 2003, and since that time some penalties may have changed, the court rule may have changed, statutes may have been re-codified or repealed. This, of course, affects the penalty amount on the law table, and how charges are filed from one year to the next. Some penalties may have been entered in error by court clerks and then adjusted when cases were filed. For charges like overweight infractions, the penalty assessed will include the additional pounds overweight penalty.

Penalty Classes:

Committee staff and Committee member Yvonne Pettus reviewed the data and proposed that the penalty levels could be reduced into the following classes:

Class	Penalty
1	\$80
2	\$105
3	\$135
4	\$165
5	\$180
6	\$195
7	\$225
8	\$285
9	\$330
10	\$390
11	\$540
12	\$1,150

Revenue Impact:

If the revenue impact is analyzed at a summary level (number of charges filed multiplied by the penalty amount in the law table), this classification model increases potential revenue by over \$4 million per year. A small shift in the penalty as RCWs move from one class to another can result in a very large dollar impact. A larger shift, where there are relatively few filings, can have a much smaller impact. The penalty classes above have the majority of RCWs moving to a higher penalty class. Adding two or three more classes would further lessen the revenue impact.

PSEA and Infraction Penalties Subcommittee Final Report

Mr. Hall reminded the members that based on the following recommendations of the Court Funding Task Force, the BJA agreed to create the PSEA Work Group.

- *Repeal RCW 46.63.110 (3) which prescribes that the Supreme Court establishes the traffic infraction penalty schedule and eliminate all legislative assessments on traffic penalties. Develop a penalty classification schedule similar to civil infractions under Title 7 RCW.*
- *Adjust the state/local "PSEA division" on a "no-harm" basis to account for the elimination of the several legislative assessments and to establish a simple, single, uniform division of funds between state and local government.*
- *Recreate the JIS account fee, not as a portion of the traffic infraction penalty, but as a user fee on all court transactions – filings fees, traffic infractions, and convictions of misdemeanors and felonies. The fee would then fund both maintenance and new development and would remove JIS from the PSEA account entirely.*

The PSEA Work Group made the following recommendations to the Implementation Committee, based upon the preliminary research:

- Although traffic infraction penalties could be organized into between 12 and 15 penalty classes, due to the scope and size of the project the traffic infraction penalty classification schedule will not be undertaken.
- Due to the scope and size of the project to eliminate legislative assessments that project will be deferred until a later date.
- No changes should be made to the JIS fee structure at this time.

A brief discussion followed.

It was moved by Judge Costello and seconded by Judge McSeveney to accept the recommendations of the PSEA Work Group. The motion passed.

Sexually Violent Predator Reimbursement

Mr. Hall provided a brief update on the progress made for superior court reimbursement of costs associated with sexually violent predators. As a result of Judge Godfrey's meetings with DSHS' Civil Commitment Center, DSHS is

**SUPERIOR COURT
OF THE
STATE OF WASHINGTON
FOR PIERCE COUNTY**

THOMAS P. LARKIN, JUDGE
Julie Ratley, *Judicial Assistant*
DEPARTMENT 3
(253) 798-7576

334 COUNTY-CITY BUILDING
930 TACOMA AVENUE SOUTH
TACOMA, WA 98402-2108

09-19-08

Jeff E. Hall, Executive Director
Board for Judicial Administration
P.O. Box 41170
Olympia, WA. 98504-1170

Dear Mr. Hall:

At a recent meeting of our Judicial Executive Committee, the Deputy Court Administrator provided a briefing on the status and budgetary costs of court appointed attorneys to satisfy the requirements for ADA Accommodations as mandated by GR-33. Following the report and discussion it was decided to send this letter to the Board for Judicial Administration outlining our concerns.

Pierce County Superior Court has always diligently provided the necessary auxiliary aids, services and equipment to accommodate persons with disabilities in our courts. However, since the adoption of GR-33 in September, 2007, our court has experienced a growing number of persons with severe cognitive and/or communication impairments that have required the appointment of counsel at court expense to represent them in their cases. I am specifically referring to the following section of GR-33:

(a) Definitions. The following definitions shall apply under this rule:

(1) "Accommodation" means measures to make each court service, program or activity, when viewed in it's entirety, readily accessible to and usable by an applicant who is a qualified person with a disability, and may include but is not limited to:

(C) as to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program or activity, when viewed in it's entirety, readily accessible to and usable by a qualified person with a disability.

Last year at a statewide conference our Court Administrator was advised, by persons involved in the drafting of GR-33, that the courts are indeed responsible for providing counsel at court expense in cases that qualify under this section. Similarly, our Deputy Court Administrator has received a verbal opinion from the Civil Division of the Pierce County Prosecuting Attorney's Office that concurs with this. For these reasons we view GR-33 as an **unfunded mandate**.

Given Pierce County's limited budget, the unfunded nature of this mandate and the growing impact on our court, we feel the BJA should be seeking funding from the state legislature to provide for the appointment of counsel for qualifying persons with disabilities under GR-33.

We will be happy to provide support for this and would appreciate hearing from the BJA about intentions, proposals and efforts in this regard.

Sincerely Yours;

A handwritten signature in cursive script, appearing to read "Th Larkin".

Thomas P. Larkin, Presiding Judge
Pierce County Superior Court

**Trial Court Coordination
Progress Report Summary
September 30, 2007**

Black Diamond/Bonney Lake/Buckley Municipal Courts In-Custody Hearings

Project Goals

To increase access to justice, assure compliance with CrRLJ 3.2.1, allow cross court issuance of protection orders, reduce the resources consumed by prisoner transport, reduce the officer and courthouse safety issues brought on by prisoner transport, allow cross court training of court staff on video conferencing equipment, and the use of combined purchasing to save costs and assure compatibility through the use of an interlocal agreement and internet based video conferencing.

Project Objectives

All involved courts will be able to offer next business day preliminary hearings, next day hearings for those cited with DUI and DV related crimes, and cross court issuance of protection orders as well as other conditions of release.

Status

Progress has been made selecting a video conferencing standard for the courts and the jail. Several systems have been tested and the participating judges are fairly confident that one of the systems will meet their needs. Quality tests should be completed by the end of October.

The judges are close to reaching consensus on the sort of inter-court and/or inter-city agreement that will be needed. Once the judges have defined the agreement, they will involve the City Attorneys.

Milton Municipal Court is also interested in joining the agreement, and discussions will be pursued when more details are finalized.

Columbia County In-Custody Hearings

Project Goal

To seek a solution for the insecure transport of in-custody defendants, facilitate access to justice, and assist in the alleviation of excessive costs. Phase I of the project includes a video system for in-custody appearances between the current jail and courtroom.

Project Objectives

Purchase of equipment, installation of equipment, training on equipment.

Status

The IT Manager purchased the equipment in June, 2008. However, installation was delayed until September due to the only courtroom being in near constant use since June, and other county-wide difficulties necessitating the attention of the IT Manager.

The bulk of the equipment is now installed, and minor aesthetic improvements are being made related to the positioning of the screen and camera. Training on this equipment will not be complex, and should begin at the end of September.

Pierce County Volunteer Coordination

Project Goals

The goal of this project is to create a customer service information booth and function in the County-City Building in downtown Tacoma, the building in which all three courts conduct primary functions. The goal included obtaining consulting services to assist in developing a Volunteer program to staff an effective information booth.

Project Objectives

1. To develop and maintain an ongoing volunteer pool from which a customer service information booth can be staffed on a daily basis.
2. To reach an agreement between the three courts and the county for the future ongoing use of a small percentage of Trial Court Improvement Fund monies to provide a staff (0.5 FTE) Volunteer Coordinator.
3. To build a computer equipped information booth on either the first or second floors of the building for these purposes.

Status

No funds have been expended at this point. We are reviewing the possible use of an existing customer window located in the main lobby of building not being used at this time by Tacoma Municipal Court, as an alternative to construction of a booth.

We have met with the staff Volunteer Coordinator in the Juvenile Court (coordinates approx. 500 volunteers, including the CASA program), and are now reviewing the materials and suggestions made based upon her experience. We believe this will eliminate the need to hire consulting services.

We have not yet obtained cost estimates on the construction and location of the information booth and the computer costs for the volunteer station(s). We believe the grants funds will almost exclusively be used for construction, computer hardware and the upfront cost of supplies.

Skagit County Regional Staff Training

Project Goal

Professional training is provided to management at the Association conferences at least twice yearly, and regional training is provided for District and Municipal Court staff. However, County Clerk and Superior Court Administration staff does not have the same opportunity for training. The purpose of this project is to provide regional, cross-jurisdiction communication skills training for all line-staff from the courts of Skagit, Island, San Juan and Whatcom Counties. Approximately 107 employees will be participating in this training.

Project Objectives

Staff will have a better understanding of why it is so tough to communicate, why miscommunication occurs, how people can push your buttons, and how active listening affects the process.

Status

1. Contacted AOC about recommended trainers. Contracted with Steve Sussman, Organizational Training and Consulting, to provide desired training.
2. Coordinated best training dates with the following participants:
Skagit County Superior Court, County Clerk, and District Court; Anacortes Municipal Court, Burlington Municipal Court, Mount Vernon Municipal Court, Sedro-Woolley Municipal Court; Island County Superior Court, County Clerk, and District Court; San Juan County Superior Court, County Clerk, and District Court; Whatcom County Superior Court, and County Clerk.
3. Signed rental agreement and reserved facility for November 4 and 5, 2008, and contacted Lunchbox Restaurant regarding box lunches.
4. Registration form sent out to all courts/clerks to allow time to plan coverage using skeleton crews for two days.

King County Jury Summons Response

Project Goal

Increase jury summons response. This supports two TCCC goals: increase flexibility to distribute work more efficiently among trial courts within a jurisdiction, and reduce functional redundancies among trial courts within a single jurisdiction.

Project Objectives

Improve jury management by reducing juror non-response rate throughout King County.

Status

Marketing campaign: The focus group, including King County Superior and District Court TCCC members, and court jury management staff, suggested using the faces of public figures who had been summoned to jury duty.

- Staff worked with Titan Outdoors (a marketing firm which holds the contract for Metro bus advertising) to define the scope of work and develop the contract (titled "Jury Service is a Civic Duty").
- Public figures participating are Edgar Hernandez (former Mariner), Governor Gary Locke (former state governor), Chip Hanauer (hydroplane race driver) and Alan Hairston (former Sonic player).
- The focus group contributed banner "tag lines", a colleague who is an amateur photographer did the photo-shoot for three of the individuals, and the King County photographer did the fourth shoot. All were done in a historic courtroom in the King County Courthouse.

- The photos and tag lines were provided to a Titan Outdoors graphic artist/print production coordinator, and Titan Outdoors delivered the finished posters to Metro bus for the eight-week contract starting 9-15-08. The banners were installed on 29 buses. (See page 5 for the Edgar Martinez poster.)
- Staff will develop a juror respondent survey by October 31, working with Superior Court Jury Management data to collect the designated output measurements.

Purchasing bus banners for jury rooms. Since the banners are colorful and charming and include public figures, the focus group suggested a purchase of the banners to hang in jury rooms. In addition, the banner "subjects" have asked for a copy of their banner.

Re-design of the Jury Summons. The work plan for the marketing project deferred this activity until the activities for the campaign are completed. It is anticipated the focus group will re-convene in November to consider the re-design of the Jury Summons.

Developing a web site to link the jury service addresses for all courts in King County. A web site reference was advised for the bus banners, and a comprehensive web site has now been developed containing a variety of jury service information. The web site links to all the trial courts in King County.

Creation of public service announcements (PSAs) about jury service. The National Center for State Courts (NCSC), recommended the use of PSAs about jury service. NCSC provided information about PSA content, and staff at the King County Television station have provided instruction on how to make and distribute PSAs. The PSA voices will be King County TCCC judges. It is intended that the PSAs will begin before the bus banner campaign ends.

