

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, FEBRUARY 19, 2010  
9:30 A.M.**

**CHIEF JUSTICE'S RECEPTION ROOM  
TEMPLE OF JUSTICE  
OLYMPIA, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Barbara Madsen**, Chair  
Supreme Court

**Judge Michael Lambo**, Member Chair  
District and Municipal Court Judges'  
Association  
Kirkland Municipal 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 Tari Eitzen**, President  
Superior Court Judges' Association  
Spokane County Superior Court

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

**Judge Jack Nevin**  
District and Municipal Court Judges'  
Association  
Pierce County District Court

**Justice Susan Owens**  
Supreme Court

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

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

**Judge Chris Wickham**  
Superior Court Judges' Association  
Thurston County Superior Court

## NON-VOTING MEMBERS:

**Judge Stephen Brown**, President-Elect  
District and Municipal Court Judges'  
Association  
Grays Harbor County District Court

**Mr. Jeff Hall**  
State Court Administrator

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Mr. Salvador Mungia**, President  
Washington State Bar Association

**Mr. Steven G. Toole**, President-Elect  
Washington State Bar Association

**Judge Stephen Warning**, President-Elect  
Superior Court Judges' Association  
Cowlitz County Superior Court

# Board for Judicial Administration

February 19, 2010  
 9:30 a.m.  
 Chief Justice's Reception Room  
 Temple of Justice, Olympia

## Agenda

1. Call to Order	Chief Justice Barbara Madsen Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Michael Lambo	
<b>Action Items</b>		
3. January 15, 2010 Meeting Minutes <b>Action: Motion to approve the minutes of the January 15 meeting</b>	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. Appointment to the BJA Public Trust and Confidence Committee <b>Action: Motion to appoint Judge C. C. Bridgewater to the BJA Public Trust and Confidence Committee</b>	Ms. Mellani McAleenan	Tab 2
5. Appointment to the Justice in Jeopardy Implementation Committee <b>Action: Motion to appoint Judge Sara Derr and Judge Eileen Kato to the Justice in Jeopardy Implementation Committee</b>	Ms. Mellani McAleenan	Tab 3
6. Public Financing of Supreme Court Campaigns <b>Action: Motion that the BJA write a letter to Representative Marko Liias and Senator Eric Oemig supporting the policy of public funding for Supreme Court campaigns but opposing funding through filing fee increases.</b>	Chief Justice Barbara Madsen Ms. Mellani McAleenan	Tab 4
<b>Reports and Information</b>		
7. Budget Update	Mr. Ramsey Radwan	
8. Court Closure/Hours of Operations	Chief Justice Barbara Madsen Mr. Jeff Hall	Tab 5
9. Union Gap Municipal Court Issue	Mr. Dirk Marler	
10. National Center for State Courts Educational Materials	Mr. Jeff Hall	Tab 6
11. Legislative Update	Ms. Mellani McAleenan	Tab 7

12. Kitsap County Court Interpreter Issue	Justice Susan Owens	Tab 8
13. Access to Justice Board	Mr. M. Wayne Blair	
14. Washington State Bar Association	Mr. Salvador Mungia	
15. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Susan Owens Judge Marlin Appelwick Judge Tari Eitzen Judge Glenn Phillips	Tab 9
16. Association Reports County Clerks Superior Court Administrators District and Municipal Court Administrators Juvenile Court Administrators	Ms. Barb Miner Ms. Marti Maxwell Ms. Jeri Cusimano Mr. Michael Merringer	
17. Administrative Office of the Courts	Mr. Jeff Hall	
18. Other Business 2009 Year End BJA Account Report Next meeting: March 19 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Michael Lambo Ms. Mellani McAleenan	



**Board for Judicial Administration  
Meeting Minutes**

**January 15, 2010  
Temple of Justice  
Olympia, Washington**

**Members Present:** Chief Justice Barbara Madsen, Co-Chair; Judge Michael Lambo, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ronald Culpepper; Judge Sarah Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Mr. Sal Mungia; Judge Jack Nevin; Justice Susan Owens, Judge Glenn Phillips; Judge Stephen Warning; and Judge Chris Wickham

**Guests Present:** Mr. Jim Bamberger, Ms. Peggy Bednared, Justice Mary Fairhurst, Representative Marko Liias, Justice Charles Johnson, Ms. Marti Maxwell, Mr. John King, Mr. Tom McBride, Ms. Jean McElroy, Ms. Barb Miner, Ms. Joanne Moore, Senator Eric Oemig, and Mr. Craig Salins

**Staff Present:** Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Madsen.

Public Financing of Campaigns for Supreme Court

Representative Liias is the prime sponsor of HB 1738 which proposes a system of public financing in Supreme Court races. Senator Oemig sponsored a Senate companion bill, SB 5912.

The cost of Supreme Court races has been escalating since 2000. The bill sponsors expect that in 2010 they will see the same trend. That is why they believe that judges need to have a system to run on their merits and not depend on donations which do not preserve the independence of the courts. The program would be funded by a \$1 surcharge on court filing fees. In this economic period, a financing mechanism is necessary that does not take funds away from other needed programs.

The legislation would provide a robust system of financing and give those judges who choose to participate in the public system funds for their campaigns. Participating candidates would be required to raise a minimum amount of private campaign funds from at least 500 citizens.

Representative Liias said he would like the BJA to indicate that this is an important issue to judges and that, if enacted, it would be helpful to judges. If they could get a

broad statement of support, that would be helpful to him and his colleagues in the Legislature.

Judge Fleck mentioned that the Judicial Selection Work Group has come up with a very good recusal rule that will track money to PACs. She would like to think that rule will take care of the problem and that it will not require public financing.

Representative Liias is hopeful the recusal rule is successful as well. He thinks a lot of people will be watching the court races this fall. If they see the same problems they saw in 2006, there will be public pressure to fix the problem during the 2011 legislative session.

**Judge Dubuisson moved and Judge Wickham seconded that the following item be placed on the action item agenda for next month's BJA meeting: Motion that the BJA write a letter to Representative Liias and Senator Oemig in support of the public funding of Supreme Court races policy but that the BJA does not support the funding mechanism in the legislation. The motion carried.**

#### December 10, 2009 Meeting Minutes

**It was moved by Judge Appelwick and seconded by Judge Culpepper to approve the December 10, 2009 meeting minutes with the correction noted by Justice Owens. The motion carried.**

The minutes need to be corrected to reflect that Justice Owens was not in attendance at the Municipal Court Judge Swearing-in Ceremony.

#### BJA Long-Range Planning Committee—Proposed Membership and Term Limits

Mr. Hall stated that the BJA is being asked to approve the BJA Long-Range Planning Committee's Proposed Membership and Term Limits.

**It was moved by Judge Phillips and seconded by Judge Dubuisson that the BJA approve the proposed revision to the BJA Long-Range Planning Committee membership and term limits. The motion carried.**

#### Washington State Association of Counties (WSAC) Legislative Agenda

Mr. Hall met with Mr. Eric Johnson from the WSAC and requests that the BJA take a position on the WSAC's legislative agenda.

There was discussion regarding how deeply the BJA should get involved in taxing authority bills and there was concern from some members about overriding the will of the people.

**Judge Derr moved and Judge Dubuisson seconded that the BJA support the concept of removing the non-supplant language in HB 2637. Judges Derr and Dubuisson accepted the friendly amendment from Judge Fleck that the BJA should support the bill subject to the sunset clause language remaining in the bill. The motion carried. Judge Culpepper abstained.**

#### Co-Sponsorship of Bills

The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) assist in moving federal legislation relating to court issues. There are three pieces of legislation that the conferences are actively pursuing. One is S 1329, State Court Interpreter Grant Program Act, which the BJA has been actively engaged in. HR 1956, Crime Victim Restitution and Court Fee Intercept Act, allows states to intercept federal tax returns to partially pay LFOs owed to the state and local government. Mr. Hall thinks it is a great benefit to the state to engage in the program.

**It was moved by Judge Phillips and seconded by Judge Baker that the BJA send a letter of support requesting sponsorship of HR 1956 to Washington's congressional delegation. The motion carried.**

S 1859 would give federal matching of state spending of child support incentive payments. This is an issue that has been pursued for some years and seems relatively easy to support.

**It was moved by Judge Appelwick and seconded by Judge Fleck that the BJA send a letter of support requesting sponsorship S 1859 to Washington State senators Patty Murray and Maria Cantwell. The motion carried.**

#### WSBA Dues/Regulations for Judges

Mr. Mungia stated that last year the WSBA started looking at their bylaws. That review included the section of their bylaws regarding classes of membership.

In looking at the Bylaws, they are not trying to increase revenue but they are trying to determine who is considered a judge in the judicial classification. The Bar cannot force anyone to be a member unless they want to practice law. The judicial classification lets judges who want to belong to their association join. Mr. Mungia's goal is that the Bar dues will cover the cost of the member and if a person chooses to belong, the Bar

needs to know the member's name, membership status, and contact information. All they are trying to do is give judges an opportunity, voluntarily, to join the Bar.

Discussion followed and some members were concerned that if the Bar approved the proposed membership revisions, the Bar could discipline judges. Mr. Mungia explained that they currently lose track of some judicial members and all the bar would do if a judge did not comply is revoke the judge's membership in the Bar.

Judge Phillips noted that municipal court judges are required to be members of the Bar. The District and Municipal Court Judges' Association (DMCJA) would like to have a provision in the bylaws stating that a part-time judge, who only judges, can be a judicial member. They would also like retired judges to be able to retain the judicial status so they can pro tem.

There was also some concern over switching from judicial status to active status. Ms. McElroy explained that if a judge leaves the bench and immediately goes back to the active practice of law, he/she just switches to active status and can practice law. If a judge retires, then takes five years to come back to practice law, then he/she has to take the bar exam again.

Ms. Littlewood stated that the Bylaws Committee will bring the entire package back to the Board of Governors during their April meeting. Mr. Mungia stated that even though it is the second reading during the January meeting, he doesn't control the Governors and they could take action on it during the next meeting.

Judge Baker shared that there is some resentment of judges in the legal community. Judges are members of the legal profession and she thinks it is appropriate for judges to expect to be members of the Bar and have them track judges when they retire because judges deserve that if they are actively on the bench full-time. In her neck of the woods, judges make a better living than lawyers. They are part of a team to promote justice and promote the peaceful resolution through the legal arena and judges need to be team players with the Bar. There has to be some overarching concern that judges need to cooperate with the Bar and recognize that they are a partner with them.

**It was moved by Judge Phillips and seconded by Judge Eitzen that the BJA write a letter asking the Washington State Bar Association Board of Governors (BOG) not to take action at the next BOG meeting until the BJA has had time to review the final proposed language. The motion carried.**

**Judge Fleck moved and Judge Phillips seconded that if the WSBA BOG does not delay the bylaws decision, the BJA will not support the revisions as written. The motion carried with Judge Baker and Chief Justice Madsen abstaining.**

### Public Records Act Work Group Update

Judge Appelwick reported that the Public Records Act Work Group met in December and all were in agreement that the group could not put anything together for this legislative session. The work group will meet regularly and have something ready to go for the 2011 legislative session.

Chief Justice Madsen indicated that she thinks the BJA would like to have this issue resolved by court rule.

### GR 29 Work Group Update

Ms. McAleenan reported that she sent the proposed GR 29 Work Group charge to a few BJA members and the only substantive remarks she got back were from Judge David Larson. She is looking for feedback from the BJA on how the work group should proceed.

Judge Baker thinks Judge Larson is headed in the right direction and she volunteered to join the work group.

Ms. McAleenan stated that at this point in time it is unclear who will be the AOC staff for the work group but there will be follow-up in the future.

### Legislative Update

Ms. McAleenan reported on legislation of interest to the BJA. HB 2518, the interpreter oath bill, had a hearing on Wednesday. Representative Jamie Pedersen is currently rewriting the bill which is holding the bill in committee. It should be moved out of committee next week.

Representative Pedersen will not give the Yakima County Superior Court judge bill a hearing. When the Legislature is looking for budget reductions, they are very reluctant to have any budget increases.

SB 6499 is the 520 tolling bill. Senator Mary Margaret Haugen is adamant that this be an administrative process instead of a court process. In talking with legislators, the chairs of the committees are of the same mindset but other legislators do not agree. There are hearings on January 21 and 25. Tolling is supposed to begin in March 2011. The BJA does want this to be a court process.

Ms. McAleenan reported that she is not sure there will be a hearing on the judicial retirement age bill.

### Court Funding Discussion

Chief Justice Madsen said this topic was added to the agenda because as the new Chief Justice she wants the BJA's direction for interacting with the Legislature regarding court funding issues, particularly at a time when everyone is looking for resources.

Several BJA members stated they would like the BJA to be open to suggestions of general tax revenues and wanted to be at the table when funding decisions are made.

There was general agreement around the room that court funding ought to come from general funds and that the BJA members are concerned about Washington becoming a pay to play court system if funding solutions are not developed.

Chief Justice Madsen stated that one of the funding goals of the BJA Long-Range Planning Committee is that they have taken a position that they do not want to be a fee-based court system. She just wants to make sure everyone is on the same page regarding the judiciary being funded through general funds.

There was concern from some members that the judiciary's revenue ideas could end up being implemented and going straight into the general fund and divided by everyone. Another concern was that the public might think there is a way to process cases differently and/or more efficiently and the public will not like the idea of raising taxes if courts are looking for efficiencies.

Ms. Moore stated that if the judiciary has an opportunity to have general conversations with legislators it is so much better than waiting to see what the Legislature will do to the judicial branch's budget. Once the budgets come out, it is an uphill battle trying to maintain the current level of services.

Mr. Bamberger said this session is unique and the Legislature has clearly told the judicial branch that it is respected and they do not want to harm the branch in budget writing. Day in and day out, the message is "please help us help you." In the absence of something coming out in the way of funding ideas, the branch will be hit with 5-10% cuts. His hope is what comes out of this conversation is that the branch is willing to discuss how to mitigate the likely cuts and position the judicial branch for restoration of resource initiatives in the coming years.

### Executive Session

Non members were excused and discussion continued. Mr. Bamberger and Ms. Moore brought forward suggestions that could be shared with legislators regarding general fund revenue sources that might be available to help fund the courts. They were excused after making their presentation.

Discussion continued. Chief Justice Madsen said there are two ways to look at this funding issue: 1) continue to take the position that courts use general funds, stop offering filing fees as the sacrificial funding source, and tell the Legislature that it must fund the judicial branch, or 2) take a more nuanced approach where we have give and take with legislators and offer funding ideas if asked. Several members stated they recognize we are the judicial branch and it is not the branch's job to fund itself. However, it was also stated that this view has achieved little result. There was also general agreement that we do not want Washington to be a fee-based system, although the courts have raised fees in the past for specific needs. The members were asked to make individual comments and it was the clear consensus that the judicial branch should be willing to engage in suggesting other funding sources that may be viable with the understanding that the Legislature could fund other programs with those funds.

Several BJA members voiced their support of being proactive and working with the Legislature regarding judicial branch funding sources.

The regular meeting resumed.

Due to the length of the meeting, Chief Justice Madsen and Judge Lambo decided to suspend the remaining reports and adjourn the meeting.





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February 8, 2010

Honorable Barbara A. Madsen, Co-Chair  
Washington State Board for Judicial Administration  
Temple of Justice  
PO Box 41174  
Olympia, WA 98504-1174

Honorable Michael J. Lambo, Co-Chair  
Washington State Board for Judicial Administration  
Kirkland Municipal Court  
11515 NE 118th St  
PO Box 678  
Kirkland, WA 98083-0678

Re: Court of Appeals Representative on the Public Trust and Confidence Committee

Dear Chief Justice Madsen and Judge Lambo:

Due to the recent retirement of the Honorable John Schultheis, the Court of Appeals has an unfilled position on the Board for Judicial Administration's Public Trust and Confidence Committee.

On behalf of the Court of Appeals, I am pleased to nominate the Honorable C.C. Bridgewater to fill this position. I understand that the term of membership for this position would extend through December 31, 2010.

If you have any questions, please give me a call. You may also contact AOC's staff person for the Court of Appeals, Rick Neidhardt, at [Rick.Neidhardt@courts.wa.gov](mailto:Rick.Neidhardt@courts.wa.gov) or (360) 357-2125.

Thank you.

Sincerely,

*Rick Neidhardt*  
*on behalf of*

Marlin J. Appelwick, Presiding Chief Judge  
Washington State Court of Appeals

cc: Judge C.C. Bridgewater  
✓ Ms. Melanie McAleenan, Assoc. Director for the Board for Judicial Administration  
Ms. Wendy Ferrell, Staff for the Public Trust and Confidence Committee





**WASHINGTON  
COURTS**

# *District and Municipal Court Judges' Association*

*President*

**JUDGE GLENN PHILLIPS**  
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*President-Elect*

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*Vice-President*

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*Secretary/Treasurer*

**COMM. DOUGLAS HAAKE**  
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*Past President*

**JUDGE MARILYN PAJA**  
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*Board of Governors*

**JUDGE FRANK V. LA SALATA**  
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(206) 205-9200

**JUDGE DAVID SVAREN**  
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**JUDGE DARREL ELLIS**  
Kittitas County District Court  
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**JUDGE VERONICA ALICEA-GALVAN**  
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**JUDGE PATRICK R. BURNS**  
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(253) 931-3076 (253) 804-5011 FAX

**JUDGE LINDA S. PORTNOY**  
Lake Forest Park Municipal Court  
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**COMM. ADAM EISENBERG**  
Seattle Municipal Court  
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**JUDGE SCOTT AHLF**  
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(360) 753-8312 (360) 753-8775 FAX

**JUDGE R. W. BUZZARD**  
Lewis County District Court  
(360) 740-1203 (360) 740-2779 FAX

February 10, 2010

Honorable Barbara A. Madsen  
Chief Justice of the Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

RE: DMCJA REPRESENTATIVES TO THE JUSTICE IN JEOPARDY  
IMPLEMENTATION COMMITTEE

It is my pleasure to nominate Judge Sara Derr, Spokane County District Court, and Judge Eileen Kato, King County District Court, to serve another term as the District and Municipal Court Judges' Association representatives to the Justice in Jeopardy Implementation Committee. Both Judges Derr and Kato are eager to continue their service on this Committee. This nomination is for two-year terms, ending in February 2012.

Thank you for the opportunity to make these nominations.

Sincerely,

Glenn Phillips  
President-Judge

cc: Judge Michael Lambo  
Ms. Ashley A. DeMoss  
Ms. Mellani McAleenan

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STATE OF WASHINGTON

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# THE SUPREME COURT

STATE OF WASHINGTON

RICHARD B. SANDERS  
JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
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February 1, 2010

The Honorable Sam Hunt  
Representative, Washington State Legislature &  
Chair, Committee on State Government & Tribal Affairs  
Room 438B, Legislative Building  
PO Box 40600  
Olympia, WA 98504-0600

Re: HB 1738, Public Funding for Supreme Court Campaigns

Dear Chairman Hunt:

Canon 4 of the Code of Judicial Conduct provides judges "may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice . . ." CJC Canon 4(B). I am unable to attend your scheduled February 2, 2010 public hearing on this bill; however, I submit this letter in lieu of my testimony.

In essence this bill sets up a highly regulated regime of public campaign financing applicable only to the Supreme Court in the judicial branch of government. I can't imagine either the Legislature or the Governor would like to campaign under these rules. The bill is 99 percent regulation and 1 percent finance. If public financing is a good idea, simply write a check to the winners of the primary.

I see a number of problems with this bill in principle and practice although I will not discuss constitutional problems in the event that the law might someday come before the court on which I sit.

The principle at issue is probably best summarized by Thomas Jefferson:

That to compel a man to furnish contributions of money for the propagation which he disbelieves and abhors, is sinful and tyrannical.

The Honorable Sam Hunt  
Representative, Washington State Legislature &  
Chairman, Committee on State Government & Tribal Affairs  
February 1, 2010

While promoted as a “voluntary” measure, we all know there is nothing voluntary about paying taxes. However this bill forces taxpayers to financially support candidates whom they potentially oppose. As to the candidates themselves, the bill is extremely coercive. If one has the ability to reach the donation threshold, it is imperative that the candidate submit to public financing to avoid the prospect that the campaign against him will be uniquely financed with taxpayer dollars. But he better make the threshold, otherwise all funds privately raised will be confiscated by the government.

This bill also threatens judicial independence. First I note that it is proposed in a state where 70 percent of the sitting judges began their careers with a gubernatorial appointment. I also note that the detailed enforcement mechanism will be administered by the Public Disclosure Commission, members of which are appointed by the Governor. This bill has the executive branch administering elections for a supposedly “independent” judiciary—a judiciary which must be willing to protect private litigants from the lawless conduct of the legislative and executive branches. It undermines independence.

As a practical matter, this bill would have the effect of further smothering judicial campaigns which are already plagued by inadequate financing and public apathy.

To qualify for public financing of less than \$160,000 per primary election in a Supreme Court race, for example, one must raise at least \$40,000 in \$10 to \$1,600 increments from at least 500 different donors by the filing date. In the past, very few could qualify. As we all know, the cost of raising this money will nearly equal the amount raised but the bill allows only 25 percent for fundraising. It is a highly inefficient way to finance a campaign. Scarce candidate time and resources must therefore be wasted with little net gain to the campaign in lieu of meaningful communication with the voters. If the candidate falls short, all the money privately raised must be forfeited to the government. The candidate is out all of his fundraising expenses. The campaign is over before it begins.

The amount of the public financing, less than \$160,000, for a statewide race does not begin to provide adequate funds for the candidate to mount an effective campaign. This defeats the whole purpose of public elections in the first place. Governor Gregoire raised \$12 million to get her message out, in a state just as big for a Supreme Court candidate. Nevertheless the candidate is coerced to participate in this scheme because he knows however much money he raises the taxpayers will be funding his opponent in an equivalent amount—without any cost to his opponent for raising the money in the first place. Moreover if the campaign is finished in the primary, the \$160,000 will be the most

The Honorable Sam Hunt  
Representative, Washington State Legislature &  
Chairman, Committee on State Government & Tribal Affairs  
February 1, 2010

that a candidate gets for the whole statewide race. How can the campaign communicate a message to the voters on this budget?

The net effect of this will be incumbent protection and voter apathy—the exact opposite of the intention of the Founding Fathers who provided in article IV, section 3 of the Washington State Constitution that judges should be popularly elected. In those days there was absolute freedom to campaign and raise money. Judicial elections really worked.

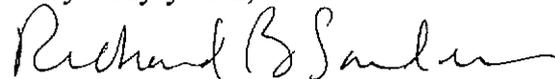
Another problem is posed by the treatment of independent expenditures. By definition, no judicial candidate has any control over independent expenditures; nonetheless independent expenditures are a determining factor in how much public funding the candidate receives.

Other glitches in the bill include the provision that only qualifying funds may be raised in the qualifying period, beginning on February 1. However the Code of Judicial Conduct prohibits a candidate from raising money before 120 days prior to the first day of filing, ending at the close of the regular filing period, sometime after February 1.

Last, but not least, our system works just fine without this bill. We have a history of electing honorable and competent people to the State Supreme Court over the last 118 years. The Intent section speaks of corruption. There is no corruption in our judiciary or our elections. This is an outrage. The 2006 election, criticized by some because of independent expenditures, produced record voter turnouts in highly contested races between honorable and able candidates. Our citizens were given a clear choice. Probably much of the independent expenditures would have gone directly to candidate campaigns but for a bill passed the prior year by the legislature which improvidently capped contributions to individual candidates who historically, at best, raised but a small fraction of the funds necessary to mount a reasonable campaign for a statewide office.

With the 2006 exception, there have been no independent expenditures and very little money from any place else. If it's not broke, don't fix it.

Very truly yours,



Richard B. Sanders

cc: Committee Members

The Honorable Sam Hunt  
Representative, Washington State Legislature &  
Chairman, Committee on State Government & Tribal Affairs  
February 1, 2010

The Hon. Representative Sam Hunt  
Chair, Committee on State Gov't & Tribal Affairs  
Room 438B, Legislative Building  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative Sherry Appleton  
Vice Chair, Committee on State Gov't & Tribal Affairs  
Room 424, JLOB  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative Mike Armstrong  
Member, Committee on State Gov't & Tribal Affairs  
Room 426A, Legislative Building  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative Gary Alexander  
Member, Committee on State Gov't & Tribal Affairs  
Room 407, JLOB  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative Dennis Flannigan  
Member, Committee on State Gov't & Tribal Affairs  
Room 335, JLOB  
PO Box 40600  
Olympia, WA 98504-0600

The Honorable Sam Hunt  
Representative, Washington State Legislature &  
Chairman, Committee on State Government & Tribal Affairs  
February 1, 2010

The Hon. Representative Christopher Hurst  
Member, Committee on State Gov't & Tribal Affairs  
Room 314, JLOB  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative Mark Miloscia  
Member, Committee on State Gov't & Tribal Affairs  
Room 437A, Legislative Building  
PO Box 40600  
Olympia, WA 98504-0600

The Hon. Representative David Taylor  
Member, Committee on State Gov't & Tribal Affairs  
Room 438, JLOB  
PO Box 40600  
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# Supreme Court Fair Elections bill

## Public financing of campaigns for Washington State Supreme Court

In West Virginia, a Supreme Court justice was elected with \$3 million in campaign aid from the CEO of Massey Energy, a coal mining company. A year later, that judge provided the deciding vote in a lawsuit to absolve the company of a \$50 million fine, imposed by a jury following illegal corporate behavior. Because of this outrageous case, the U.S. Supreme Court has decided that judges must recuse themselves in such egregious cases.

**Justice must never be for sale! - and judges should not have to raise large private sums to run for office. Integrity of our state's highest court is paramount. Equally important is public confidence in the fairness of the court - that decisions will never be made based on campaign financiers.**

Recent judicial elections nationwide show lavish spending by special interests on upper level judicial campaigns, with an increase in negative ads and campaign tactics. Meanwhile, polls reveal a concerned public, wanting assurance that courts won't be subject to influence by partisan or special-interest campaign contributions.

**Public financing achieves the desired result.** It's time to eliminate private campaign contributions as a predominant method to fund upper level judicial campaigns.

Let's enact the **Supreme Court Fair Elections bill**, to create a program of optional public financing of campaigns for seats on the Washington State Supreme Court.

## Washington State: Record-setting Campaign Spending in 2006

In Washington State in 2006, over \$4 million was spent by special interests - in contributions directly to candidates' campaigns (\$1.46 million) and in contributions buying independent ads and voter persuasion activities (\$2.73 million) - in attempt to influence the outcome of that year's supreme court races. In 2010, let's rise above this special influence!

## It's working in other states

**North Carolina** - In 2002, the legislature passed full optional public financing for statewide judicial elections, beginning in 2004. In its first cycle the program applied to five appellate court seats; 14 of 16 appellate court candidates sought to qualify, and 14 achieved the minimum qualifying contributions. Four of five winners used public financing. In 2006, 8 of 12 candidates for six seats used the program, including five of six winners.

Public financing is always voluntary for candidates - they can still run with traditional private financing - but it is increasingly popular among candidates and voters alike.

## Legislative Proposal: Supreme Court Fair Elections bill (HB 1738 / SB 5912)

The Supreme Court Fair Elections bill will create a public financing program, optional for candidates seeking election to the **supreme court only**. Candidates would qualify for public funds by raising at least \$41,055 in contributions of \$10-\$400, from at least 500 citizens. This qualifies them for a set sum for a primary race, and if they win, an additional sum for the general election - amounts sufficient to run a competitive, robust campaign.

If a candidate is outspent by a traditionally-funded opponent or faces opposition from independent PACs, they receive matching "rescue funds" - up to capped limits set in the bill.

The program would begin once \$3 million (per biennium) has been generated by a small surcharge of \$1 on court filing fees - **paid by users of the court, not by taxpayers**.

**Information:** [www.washclean.org](http://www.washclean.org) / [wpc@washclean.org](mailto:wpc@washclean.org) / 206-784-2522

# Summary of Key Features and Provisions of Proposed Judicial Bill HB 1738 / SB 5912

## Public Financing of Campaigns for Positions on the State Supreme Court

*This summary prepared by Washington Public Campaigns, 1-11-10.  
Provisions and details subject to change.*

### **Summary:**

This is a bill to establish a pilot program of optional public financing of campaigns for the Washington State Supreme Court.

The legislative intent is to reduce the likelihood or appearance of corruption or undue influence by private special interest campaign contributions, and to preserve the integrity of, and public confidence in, the state's highest court, by allowing candidates the option of financing their campaigns solely or primarily on public funding.

### **Qualifying for the program:**

To qualify to participate in the program and receive public financing, candidates must:

- file an intent to participate and to abide by program requirements upon certification;
- as Qualifying Contributions, generate at least **\$41,055** (aggregate total, and indexed as twenty-five times the filing fee) from at least **500 contributors** who are natural persons and residents of Washington state, in amounts **at least \$10 but no more than \$400** (indexed as one-quarter of maximum campaign contributions allowed by state law)

### **Seed funds available during qualifying period:**

Candidates may use personal funds up to \$3,200 plus up to one-quarter of the Qualifying Contributions they collect, as "seed funds" to generate the necessary Qualifying Contributions.

### **Campaign funds made available to participants (as specified in HB 1738 and SB 5912):**

Amounts of campaign grants will be set by rule, based on the number of candidates filing for office.

**Primary election:** Not to exceed 100 times the filing fee (= \$164,221)

For uncontested races, the grant is 4 times the filing fee (= \$6,569), plus all QC's collected.

**General election campaign:** Base grant for primary winners, 125 times the filing fee (= \$205,276).

### **Rescue funds provided; upper limit specified; up to 60% available in primary:**

Supplemental "rescue funds" are provided, up to a set upper limit (500 times filing fee overall), to match overspending by opponents or to match IE spending by 527s, etc.

Up to 75 percent of maximum rescue funds may be claimed and used in the primary race - if triggered as described - or 100 percent of such rescue funds if the publicly-financed candidate has only one opponent.

### **Funding source(s):**

This program is proposed to be funded through a \$1 surcharge on selected court filing fees. Other sources as may be determined or authorized, including voluntary contributions.

### **Minimum funding necessary to start:**

This program will not become operational until a sum of at least \$3 million is appropriated and deposited in the state Judicial Election Reform Act Fund - a provision to assure the program will not be underfunded at the start

**State Government & Tribal Affairs  
Committee**

**HB 1738**

**Brief Description:** Providing public funding for supreme court campaigns.

**Sponsors:** Representatives Lias, Goodman, Appleton, Carlyle, Probst, Nelson, Hasegawa, Orwall, Rolfes, Dickerson, Hunt, Pettigrew, Cody, Darneille, White, Chase, Kenney, Dunshee, Ormsby, Milosecia, Moeller, Roberts, Simpson, Sells, Flannigan, Eddy, McCoy, Wood, Kagi, Wallace, Williams and Green.

**Brief Summary of Bill**

- Establishes a program for public financing for the offices of Supreme Court Justice.

**Hearing Date:** 3/5/09

**Staff:** Marsha Reilly (786-7135)

**Background:**

The Fair Campaign Practices Act was enacted following passage of Initiative 134 in 1992. The initiative imposed campaign contribution limits on elections for statewide and legislative office, further regulated independent expenditures, restricted the use of public funds for political purposes, and required public officials to report gifts received in excess of \$50. In 2006 contribution limits were expanded to include elections for certain county and special purpose district offices, and for judicial office.

A series of court decisions have identified a number of constitutional limitations on the regulation of campaign financing. Certain constitutionally permissible restrictions on such financing have also been identified in those decisions. In those cases, the courts found the following to be permissible:

- limitations on contributions by individuals or organizations to candidates;

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

- limitations on contributions by individuals or organizations to political action committees;
- limitations on contributions by political action committees to candidates;
- limitations on total contributions by individuals in a calendar year to candidates and political committees;
- prohibition of the use of corporation and labor organization general treasury funds to support or oppose the nomination or election of a candidate through contributions to political action committees, independent expenditures, or electioneering communications;
- public financing of campaigns; and
- reporting and disclosure of independent expenditures and electioneering communications.

Found to be impermissible were ceilings on candidate expenditures or on "independent expenditures" (that is, campaign expenditures not subject to the control of a candidate.) Upheld, however, were ceilings on a candidate's expenditures which become effective only as part of a public financing agreement under which a candidate agrees to abide by the limits in exchange for public financing.

Arizona, Maine, and Connecticut have enacted public financing programs for statewide and legislative offices. North Carolina has enacted a public financing program for Supreme Court and Court of Appeals offices.

#### **Summary of Bill:**

A program providing public campaign funding for candidates for Supreme Court Justice, cited as the Judicial Election Reform Act, is established. The Public Disclosure Commission (PDC) enforces the program and is authorized to adopt rules regarding reporting requirements and auditing of qualifying contributions.

#### Program Requirements.

The program is voluntary. Candidates who wish to participate in the program must agree to the following:

- accept contributions only from individuals;
- not expend more than \$1,000 in personal funds;
- collect at least 500 qualifying contributions that, in the aggregate, total at least 25 times the filing fee for the office;
- file required reports;
- expend only funds received from the Judicial Election Reform Act (Act) fund;
- comply with the provisions of the Act.

#### Qualifying Contributions.

Participating candidates must collect 500 qualifying contributions in any amount between \$10 and the contribution limit allowed for a single election, currently \$1,600. Qualifying contributions must be made by an individual, and not by any political committee, organization, union, business, etc., and must be made during the qualifying period. The qualifying period begins February 1 of an election year and ends one week after the close of the regular filing period for the office. Up to 25 percent of the minimum dollar amount of qualifying contributions may be used to pay for expenses related to raising qualifying contributions.

### Certification Procedure.

To become certified for the program, a candidate must file an application to participate, submit a report itemizing the qualifying contributions received, and submit a check or money order equal to the total qualifying contributions, less the money used to pay for expenses, to the PDC.

Affidavits attesting that the qualifying contributions were made by registered voters of the state and signed by persons collecting qualifying contributions also must be submitted. The PDC must determine a candidate's eligibility to participate in the program within 7 days of receiving an application. If an application is denied, written reasons for the denial must be provided to the candidate. Any candidate denied certification may reapply one time within 14 days of denial by submitting the required information or the number of qualifying contributions needed to complete the certification. Candidates certified for the program may be designated as a publicly financed candidate in the state voters' pamphlet.

### Public Financing.

Within five business days after a publicly financed candidate's name is approved to appear on the primary ballot, the PDC must authorize distribution of funds for the primary election. The amount of funding for the primary election must be set by rule by the PDC based on the number of participating candidates filing for office and may be no more than 100 times the filing fee for the office (1 percent of the salary for the office, or \$164,200). Within five business days after a publicly financed candidate's name is approved to appear on the general election ballot, the PDC must authorize an amount equal to 125 times the filing fee (\$205,250). Publicly financed candidates in uncontested elections shall receive four times the filing fee (\$6,568). A publicly financed candidate must return funds distributed that are unspent and uncommitted as of the date that the candidate ceases to be a candidate, or as of the date of the election, whichever occurs first.

### Revocation.

A publicly financed candidate may revoke a decision to participate in the program no later than June 30 in the year of the election. Within 30 days of revocation, all money received from the judicial election reform act fund must be returned.

### Rescue Funds.

A participating candidate is eligible for rescue funds in the event that a nonparticipating candidate raises more than was allotted to the participating candidate. Independent expenditures and electioneering communications made in support of a nonparticipating candidate or opposing a participating candidate are considered in determining eligibility for rescue funds. A participating candidate may determine when to access rescue funds. The total amount of rescue funds a participating candidate may receive is 500 times the filing fee for the office (\$821,000).

Participating candidates determine when to access matching funds. If the candidate chooses not to use matching funds in a contested primary, he or she is not eligible to use those funds in an uncontested general. The PDC must disburse matching funds within five calendar days of receiving a request.

### Reporting Requirements.

Non-participating candidates must provide to the PDC a report of planned expenditures for the 21 days before an election and the costs associated with those expenditures. If the non-

participating candidate fails to submit the report, the PDC shall authorize twice the amount of an expenditure not reported in rescue funds.

Non-participating candidates must report to the PDC within 24 hours of raising contributions that total 80 percent of the amount authorized for participating candidates. Any person making independent expenditures or electioneering communications in excess of \$3,000 in support of or opposition to a publicly financed candidate, or in support of a candidate opposing a publicly financed candidate, must submit a report detailing the expenditure to the PDC. The PDC may initiate a civil proceeding in superior court to enjoin political advertising not reported.

**Disqualification and Penalties.**

If the PDC finds that a publicly financed candidate or the candidate's committee is accepting or expending money outside the provisions of the Act, the candidate shall be disqualified from the program, be subject to a civil penalty, and return all money received from the fund.

A violation of the qualification contribution or expenditure limit may result in a fine of 10 times the amount the expenditure or contribution exceeds the limit, or 20 times that amount if the violation is within five days of an election. A violation of any reporting violation by a publicly financed candidate is subject to a fine of \$100 per day up to twice the amount not reported. The civil penalty for late revocation will result in a fine of \$1,000 per day for each day beyond the allowed revocation period.

**Implementation and Enforcement.**

The PDC must enforce the program, adopt rules to carry out the policy of the program, and prescribe forms for reports, statements, notices, and other documents required for the program. The PDC must develop an expedited administrative review process in which individuals may seek review of PDC decisions. The program may not be implemented until an appropriation of \$3 million is made. Once the program is offered, the PDC is required to report to the Governor and to the appropriate committees of the Legislature in January of even-numbered years on the effectiveness of the act.

**Appropriation:** None.

**Fiscal Note:** Available.

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



## Court Closures 2009-2010

<b>Court Name</b>	<b>Dates Closed</b>	<b>Reason</b>
District, Benton County	12/31/2009	closing at 3:15, weather
District, Franklin County	12/24/2009	closing at noon, union holiday
District, Grant County	6/4/2009	8-12pm, staff training
District, Grant County	3/30/2009	8-12:30, staff training
District, Grays Harbor	1/8/2009	flooding
District, King County	2/26/2009	open at 10:00 due to weather
District, King County/Aukeen/Kent	12-11-09 through 12-14-09	Moving due to valley flooding
		2:30-4:30 to facilitate the consolidation of all criminal courts to the Port Orchard facility.
District, Kitsap County	5/27/2009	
District, Lewis County	1/7/2009	weather
District, Lower Kittitas County	12/24/2009	closed at noon, union contract
District, Mason County	2/10/2009	closing at 3:00 due to weather
District, Okanogan	3/1/2010	closing at 4:30 to public
District, Pacific County South	3-26 through 3-30-09	moving to new facility
District, Pend Oreille County	1/15/2010	furlough
District, Pend Oreille County	2/12/2010	furlough
District, Pend Oreille County	4/5/2010	furlough
District, Pend Oreille County	5/28/2010	furlough
District, Pend Oreille County	7/2/2010	furlough
District, Pend Oreille County	9/3/2010	furlough
District, Pend Oreille County	10/11/2010	furlough
District, Pend Oreille County	11/12/2010	furlough
District, Skagit County	12/24/2009	closing at 11:00, safe travel
		M,T,W, 8:30-3:30, closed 12-1:00; Th-F, 9-3:30, closed 12-1:00
District, Stevens County	1/1/2010	
District, West Klickitat	12/31/2009	closing at noon, weather
District, Whitman County	1/5/2009	weather
Municipal, Aberdeen	4/17/2009	12-5:00, staff training
Municipal, Aberdeen	4/10/2009	furlough
Municipal, Aberdeen	5/15/2009	furlough
Municipal, Aberdeen	6/12/2009	furlough
Municipal, Aberdeen	7/10/2009	furlough
Municipal, Aberdeen	8/14/2009	furlough
Municipal, Aberdeen	9/11/2009	furlough
Municipal, Aberdeen	10/16/2009	furlough
Municipal, Aberdeen	11/20/2009	furlough
Municipal, Aberdeen	12/24/2009	furlough
Municipal, Airway Heights	12/24/2009	closed for holiday
	Wednesdays, 6-29-09 through the end of August	
Municipal, Auburn		to complete a project
Municipal, Bainbridge Island	1/2/2009	furlough
Municipal, Bainbridge Island	2/13/2009	furlough
Municipal, Bainbridge Island	4/10/2009	furlough
Municipal, Bainbridge Island	5/22/2009	furlough
Municipal, Bainbridge Island	6/19/2009	furlough
Municipal, Bainbridge Island	9/4/2009	furlough
Municipal, Bainbridge Island	10/12/2009	furlough
Municipal, Bainbridge Island	12/24/2009	furlough
Municipal, Bainbridge Island	12/31/2009	furlough
Municipal, Black Diamond	8/17/2009	move of court offices
Municipal, Bonney Lake	1/8/2009	weather

## Court Closures 2009-2010

Municipal, Bremerton	12/24/2009	closed at noon, all city offices closed
Municipal, Bremerton	12/31/2009	closed at noon, all city offices closed
Municipal, Bremerton	1/22/2010	10-5:00 staff summit
Municipal, Chehalis	3/10/2009	2-5:00, staff training
Municipal, Des Moines	12/24/2009	closed at noon, all city offices closed
Municipal, Des Moines	12/31/2009	closed at noon, all city offices closed
Municipal, Des Moines	11/25/2009	budget
Municipal, Edmonds	5/22/2009	furlough / monthly closings
Municipal, Edmonds	6/26/2009	furlough / monthly closings
Municipal, Edmonds	7/6/2009	furlough / monthly closings
Municipal, Edmonds	8/21/2009	furlough / monthly closings
Municipal, Edmonds	9/25/2009	furlough / monthly closings
Municipal, Edmonds	10/19/2009	furlough / monthly closings
Municipal, Edmonds	11/25/2009	furlough / monthly closings
Municipal, Edmonds	12/23/2009	furlough / monthly closings
Municipal, Edmonds	4/27/2009	furlough / monthly closings
Municipal, Edmonds	12/24/2009	city holiday
Municipal, Everett	9/3/2009	all day staff retreat
Municipal, Ferndale	1/9/2009	weather
Municipal, Fife	12/24/2009	holiday - labor contract
Municipal, Issaquah	12/31/2009	inability to maintain staffing levels
Municipal, Issaquah	12/24/2009	inability to maintain staffing levels
Municipal, Kirkland	12/24/2009	closed at noon, all city offices closed
Municipal, Kirkland	12/31/2009	closed at noon, all city offices closed
Municipal, Lake Forest Park	12/24/2009	closed at noon due to staffing
Municipal, Lake Forest Park	12/31/2009	closed at noon due to staffing
Municipal, Lakewood	12/24/2009	closing at 2:00
Municipal, Lakewood	12/31/2009	closing at 3:00 due to weather
Municipal, Lakewood	12/8/2009	closed at noon to attend memorial
Municipal, Mercer Island	1/8/2009	closed early/ weather
Municipal, Napavine		closed temporarily 7/8/09 until new judge and staff sworn in
Municipal, Normandy Park	12/24/2009	closed at noon, all city offices closed
Municipal, Normandy Park	12/31/2009	closed at noon, all city offices closed
Municipal, Normandy Park	11/25/2009	budget
Municipal, Ocean Shores	3/1/2010	furlough
Municipal, Ocean Shores	4/5/2010	furlough
Municipal, Ocean Shores	5/3/2010	furlough
Municipal, Ocean Shores	5/17/2010	furlough
Municipal, Ocean Shores	9/30/2010	furlough
Municipal, Ocean Shores	10/4/2010	furlough
Municipal, Ocean Shores	10/18/2010	furlough
Municipal, Pacific	12/24/2009	
Municipal, Pacific	8/31/2009	furlough

## Court Closures 2009-2010

Municipal, Pacific	9/14/2009	furlough
Municipal, Pacific	10/5/2009	furlough
Municipal, Pacific	11/2/2009	furlough
Municipal, Pacific	12/7/2009	furlough
Municipal, Pacific	2/1/2010	furlough
Municipal, Port Orchard	12/24/2009	all city offices closed
Municipal, Port Orchard	12/31/2009	all city offices closed
Municipal, Poulsbo	5-29-09 through 6-1-09	moving to new location
Municipal, Poulsbo	12/24/2009	closed at noon, all city offices closed
Municipal, Poulsbo	12/31/2009	closed at noon, all city offices closed
Municipal, Renton	5/22/2009	city-wide furlough
Municipal, Renton	9/4/2009	city-wide furlough
Municipal, Renton	10/12/2009	city-wide furlough
Municipal, Renton	11/25/2009	city-wide furlough
Municipal, Renton	5/22/2009	furlough
Municipal, Renton	9/4/2009	furlough
Municipal, Renton	10/12/2009	furlough
Municipal, Renton	11/25/2009	furlough
Municipal, Roy	8-26-09 through 9-7-09	Court Clerk is sole employee and will be on vacation.
Municipal, SeaTac	1/16/2009	2:30-5:00, staff training
Municipal, SeaTac	2/12/2010	furlough
Municipal, SeaTac	5/28/2010	furlough
Municipal, SeaTac	11/12/2010	furlough
Municipal, SeaTac	2/12/2010	furlough
Municipal, SeaTac	5/28/2010	furlough
Municipal, SeaTac	11/12/2010	furlough
Municipal, Sumner	7/6/2009	Four scheduled Furlough days
Municipal, Sumner	9/4/2009	Four scheduled Furlough days
Municipal, Sumner	10/12/2009	Four scheduled Furlough days
Municipal, Sumner	12/31/2009	Four scheduled Furlough days
Municipal, Union Gap		will change hours to M-Th, 7am-6pm. Closed every Friday, beg. 7-09
Superior, Garfield County	12/24/2009	closed due to staffing
Superior, Grays Harbor County	1/8/2009	inclement weather and transportation issues
Superior, King County Juvenile	6/29/2009	blocked sewer line
Superior, Lewis County	1/9/2009	weather/ flooding
Superior, Lewis County	1/8/2009	weather/ flooding
Superior, Lincoln County	8/4/2009	PJ on vacation
<b>Sent:</b> Friday, February 12, 2010 11:30 AM		
<b>Subject:</b> Furlough days for Courts		

## Court Closures 2009-2010

<p>Do you know if there is a chart or calendar available with the dates that Courts are taking furlough days? I tried to get in touch with Skagit Superior Court Clerk today and was told that they are on a furlough day and that they will be doing that 1 day a month for the next 12 months. I don't want to recreate something if it already exists.</p>		
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## Court Furlough Days

<b>Court Name</b>	<b>Dates Closed</b>	<b>Reason</b>
District, Okanogan	3/1/2010	closing at 4:30 to public
District, Pend Oreille County	1/15/2010	furlough
District, Pend Oreille County	2/12/2010	furlough
District, Pend Oreille County	4/5/2010	furlough
District, Pend Oreille County	5/28/2010	furlough
District, Pend Oreille County	7/2/2010	furlough
District, Pend Oreille County	9/3/2010	furlough
District, Pend Oreille County	10/11/2010	furlough
District, Pend Oreille County	11/12/2010	furlough
		M, T, W, 8:30-3:30, closed 12-1:00; Th-F, 9-3:30, closed 12-1:00
District, Stevens County	1/1/2010	3:30, closed 12-1:00
Municipal, Aberdeen	4/10/2009	furlough
Municipal, Aberdeen	5/15/2009	furlough
Municipal, Aberdeen	6/12/2009	furlough
Municipal, Aberdeen	7/10/2009	furlough
Municipal, Aberdeen	8/14/2009	furlough
Municipal, Aberdeen	9/11/2009	furlough
Municipal, Aberdeen	10/16/2009	furlough
Municipal, Aberdeen	11/20/2009	furlough
Municipal, Aberdeen	12/24/2009	furlough
Municipal, Airway Heights	12/24/2009	closed for holiday
	Wednesdays, 6-29-09	
Municipal, Auburn	through the end of August	to complete a project
Municipal, Bainbridge Island	1/2/2009	furlough
Municipal, Bainbridge Island	2/13/2009	furlough
Municipal, Bainbridge Island	4/10/2009	furlough
Municipal, Bainbridge Island	5/22/2009	furlough
Municipal, Bainbridge Island	6/19/2009	furlough
Municipal, Bainbridge Island	9/4/2009	furlough
Municipal, Bainbridge Island	10/12/2009	furlough
Municipal, Bainbridge Island	12/24/2009	furlough
Municipal, Bainbridge Island	12/31/2009	furlough
Municipal, Edmonds	5/22/2009	furlough / monthly closings
Municipal, Edmonds	6/26/2009	furlough / monthly closings
Municipal, Edmonds	7/6/2009	furlough / monthly closings
Municipal, Edmonds	8/21/2009	furlough / monthly closings
Municipal, Edmonds	9/25/2009	furlough / monthly closings
Municipal, Edmonds	10/19/2009	furlough / monthly closings
Municipal, Edmonds	11/25/2009	furlough / monthly closings
Municipal, Edmonds	12/23/2009	furlough / monthly closings
Municipal, Edmonds	4/27/2009	furlough / monthly closings
Municipal, Normandy Park	11/25/2009	budget
Municipal, Ocean Shores	3/1/2010	furlough
Municipal, Ocean Shores	4/5/2010	furlough
Municipal, Ocean Shores	5/3/2010	furlough
Municipal, Ocean Shores	5/17/2010	furlough
Municipal, Ocean Shores	9/30/2010	furlough
Municipal, Ocean Shores	10/4/2010	furlough
Municipal, Ocean Shores	10/18/2010	furlough

## Court Furlough Days

Municipal, Pacific	8/31/2009 furlough
Municipal, Pacific	9/14/2009 furlough
Municipal, Pacific	10/5/2009 furlough
Municipal, Pacific	11/2/2009 furlough
Municipal, Pacific	12/7/2009 furlough
Municipal, Pacific	2/1/2010 furlough
Municipal, Renton	5/22/2009 city-wide furlough
Municipal, Renton	9/4/2009 city-wide furlough
Municipal, Renton	10/12/2009 city-wide furlough
Municipal, Renton	11/25/2009 city-wide furlough
Municipal, Renton	5/22/2009 furlough
Municipal, Renton	9/4/2009 furlough
Municipal, Renton	10/12/2009 furlough
Municipal, Renton	11/25/2009 furlough
Municipal, SeaTac	2/12/2010 furlough
Municipal, SeaTac	5/28/2010 furlough
Municipal, SeaTac	11/12/2010 furlough
Municipal, SeaTac	2/12/2010 furlough
Municipal, SeaTac	5/28/2010 furlough
Municipal, SeaTac	11/12/2010 furlough
Municipal, Sumner	7/6/2009 Four scheduled Furlough days
Municipal, Sumner	9/4/2009 Four scheduled Furlough days
Municipal, Sumner	10/12/2009 Four scheduled Furlough days
Municipal, Sumner	12/31/2009 Four scheduled Furlough days
	will change hours to M-Th, 7am-6pm. Closed
Municipal, Union Gap	every Friday, beg. 7-09

From the YakimaHerald.com Online News.

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## Down and out in Yakima County

... and in other county courthouses across the state, where revenues can no longer support the services currently offered

By DAVID LESTER

Yakima Herald-Republic

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SARA GETTYS/Yakima Herald-Republic

People wait to renew their car tabs and take care of other business at the licensing division of the Yakima County Auditor's Office at the Yakima County Courthouse on Tuesday, January 5, 2010.

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More Stories: [Today's News](#) | [This Week](#)

YAKIMA, Wash. -- The threadbare fabric that is finance for county governments across Washington state now is showing some big holes.

Counties are cutting jobs, limiting hours or closing administrative offices, asking for unpaid days off and other concessions to balance their budgets.

There's less for parks and other quality-of-life services. Yakima County is so strapped for money this year, it's trying to turn over its last county park -- Eschbach Park, west of Yakima, to someone else to operate.

Some moves have been more drastic.

Kitsap County, west of Seattle, responded to funding problems by closing its administrative offices on Fridays. Employee furloughs are taking place in King, Spokane, Snohomish counties and elsewhere. Still other counties are limiting hours their offices are open to the public.

The pain is being felt in the trenches. King County Superior Court, for example, was able to work around employee furloughs last year without causing long lines at the counter for attorneys and residents.

"We are really down to bare bones at this point," said Paul Sherfey, chief administrative officer for King County Superior Court in Seattle. "There has to be some longer-term solution. We are waiting to see. It is a tough economic time."

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Any meaningful answer isn't likely to come from Olympia this year as the state struggles with its own money problems.

State Sen. Curtis King, R-Yakima, said he is sympathetic to the plight of counties, as are other lawmakers. But sympathy may be as far as it goes.

"We are looking at trying to find every piece of revenue we can from a state standpoint," King said. "It is a matter of keeping funding we have now going to the counties."

But the bleak outlook won't stop counties from trying. During the 2010 legislative session, the Washington State Association of Counties plans to ask lawmakers to grant counties new taxing authority, such as adding utility taxes in unincorporated areas. Currently, only cities can collect taxes on power, telephones and cable TV.

Counties will also ask the state to stop issuing mandates without also providing the funds to pay for government services.

For now, counties are staggering under the weight of voter-approved caps on property tax revenues and the lingering effects of Initiative 695 -- a 1999 initiative that slashed the car-tab tax and ultimately resulted in counties losing state funding. The national recession has worsened the problem as local governments see less sales tax revenue and interest earnings.

"As those finite resources don't go as far as they once did, counties are finding ways the system can continue to function and are having to look at changes," said Eric Johnson, executive director of the Washington State Association of Counties. Reducing hours of service is "an area in which all counties are looking."

Yakima County is among them.

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Commissioners proposed late last year to close the Yakima County Courthouse on Fridays, effectively reducing employee pay by 10 percent.

But things are never as easy as they appear. A state constitutional prohibition against Superior Courts being closed on days other than weekends and holidays means commissioners can't padlock the courthouse one day a week.

Other counties have tried closing the courts as a money-saving move, and all have run into the same issue. Some counties have more flexibility because in Kitsap County and King County, for example, court facilities are in a separate building. County commissioners have the authority to set hours for administrative departments.

Dirk Marler, a former Yakima County District Court judge and now director of the Judicial Services Division for the state Administrative Office of the Courts, said the constitutional mandate is designed to keep courts accessible to the public.

Victims of domestic violence, he said, need access to the courts.

"That is why courts exist, to provide services to the public. A part of that is being able to provide justice and protection when it is needed, and that is not easily scheduled," Marler said.

Yakima County officials are now looking at alternatives: Closing county offices and the courts early on Fridays and asking all county employees to go from a 40-hour week to a 37.5-hour week.

With salary increases this year accounting for \$1 million, county commissioners say employee pay is where some relief is needed.

"Underlying all of this is we believe we have to gain better control of our labor increases," said commission Chairman Mike Leita. "Until we do, we only have one of two options. Either we continue to reduce the workforce or reduce the number of hours they work."

Trying to free themselves from a public controversy over 2.5 percent wage hikes to elected officials for 2010, Leita and fellow Commissioner Rand Elliott on Wednesday turned over personal checks to Treasurer Ilene Thomson for the amount of their raise.

They are asking employees to voluntarily return a portion of their raises this year to reduce a \$1.1 million budget shortfall.

Response from unions has been lukewarm.

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Kitsap County, which has done what Yakima County initially proposed to do -- close the courthouse on Fridays -- was successful in reaching agreements with county unions on establishing a four-day, 36-hour work week in May 2009.

Nancy Buonanno-Grennan, Kitsap County administrator, said the county has been able to build a collaborative relationship with county employee unions.

Contractual language that allows Kitsap County to issue layoff notices to all employees and then bargain the impacts of those notices certainly helped move things along. But the basic problem was a lack of money to operate as usual. Both sides were motivated to reach an agreement to avoid layoffs.

"Having no money was the driver," Buonanno-Grennan said.

The hours reductions and savings on utilities allowed Kitsap County to save \$3 million in 2009.

The Friday closures are continuing this year.

Buonanno-Grennan said the county initially received heat from the real estate industry because the Auditor's Office wasn't open on Fridays for recording of documents.

The county did more public outreach so the community could adjust to the closures. Internet programs were strengthened to allow people to access services and information through the county's Web site, such as applying for permits.

"We thought there would be more headaches than there were," the Kitsap County administrator said. "We did a big push on the Internet for people to do more county business online."

But closures and streamlining can only go so far. Buonanno-Grennan and Johnson, director of the

Washington State Association of Counties, said counties still have obligations under state law to provide certain services, some within cities.

Counties, for example, are required to provide defense attorneys for criminal defendants who lack money to hire an attorney. In 2008, Washington state paid just \$5 million, leaving the counties to cover the remaining \$119 million.

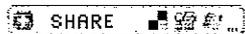
"We run the state court system on behalf of Washington state, but the state pays pennies on the dollar," Johnson said.

Counties are spending more money for courts, prosecutors, public defenders and the sheriff's offices. The overall category of public safety now consumes 75 percent to 80 percent of total county revenues.

Counties also are required to implement the state's Growth Management Act and update shorelines protection programs with little or no state help.

"A lot of what we do is regional services as an arm of the state. We were here before Washington was a state," Buonanno-Grennan said, referring to Kitsap County's formation in 1857 when Washington was still a territory. "Our funding mechanisms haven't kept pace with the demands of the population."

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- ☑ AOC Resources
- ☑ Court Resources
- ☑ Court News
- ☑ Directories & Contacts
- ☑ Education
  - ☑ Judicial Info System (JIS)
  - ☑ Judges' Resources
    - ..... Benchbooks
    - ..... JABS
    - ..... Judicial Ethics
    - ..... Jury Instructions
    - ..... Legislative Information
    - ..... Outreach Materials
    - ..... Research
    - ..... Resources and Guides
    - ..... Sentencing
- ☑ Legal Resources
- ☑ Organizations
- ☑ Help
- ☑ Maintenance Utilities

## Judges' Resources and Guides

### Charitable Organizations

- Judges' Foundation & Campaign for Equal Justice forms

### Court Administration

- Court Security
  - ▶ Court Security - Incident Report Form
- Courthouse Public Safety Standards
- Legal Issues for Presiding Judges in a Difficult Economy ←

### Education

- Continuing Judicial Education (CJE) Information
- Judicial Education

### Guidelines

- Guidelines for Domestic Violence Protection and Antiharassment Orders
- Guidelines for Expert Evaluations in Child Welfare Proceedings
- Poverty Guidelines for Indigent Defense Screening

### Reference Materials

- Benchbooks
- Chronological Sentencing Reform Act (SRA)
- DOL-Reporting & Recording Reqs
- Eligible Misdemeanors
- Felony Offender Reporting System (FORS)
- Fetal Alcohol Syndrome Disorders (FASD)
- Forms and Instructions
- Genetics: A Summary Legal Overview for Washington State Judges
- Judge's Guide to Immigration Law in Criminal Proceedings
- Judicial Reference Guide RE: Court Interpreters
- Military Status Determination (Check the Defense Manpower Data Center for active duty status of a party.)
- Opinion Citation and Style Guide
- Servicemembers' Civil Relief Act

### Trial Information

- Text of Civil Pattern Jury Instructions
- Text of Criminal Pattern Jury Instructions
- Time for Trial





- AOC Resources
- Court Resources
- Court News
- Directories & Contacts
- Education
- Judicial Info System (JIS)
- Judges' Resources
  - ..... Benchbooks
  - ..... JABS
  - ..... Judicial Ethics
  - ..... Jury Instructions
  - ..... Legislative Information
  - ..... Outreach Materials
  - ..... Research
  - ..... Resources and Guides
  - ..... Sentencing
- Legal Resources
- Organizations
- Help
- Maintenance Utilities

### LEGAL ISSUES FOR PRESIDING JUDGES IN A DIFFICULT ECONOMY

Especially in the current economy, presiding judges are faced with tough choices about how to minimize costs while still satisfying constitutional and statutory responsibilities of the judicial branch.

Legal Services attorneys in AOC's Judicial Services Division have analyzed some of the common issues and summaries are provided below. ***These summaries should not be viewed as legal advice or as formal opinions in the nature of an Attorney General's Opinion.***

These links will take you to the summaries and other resources, which we hope will provide a helpful starting point for analyzing these issues.

- Letter from Chief Justice Gerry L. Alexander to a superior court regarding court closures
- Letter from Chief Justice Gerry L. Alexander to a district court regarding court closures
- List of legal authorities on court closures (supplementing Chief Justice Alexander's letters)
- List of legal authorities on judicial salaries
- Legal background on judicial health benefits

Other resources for presiding judges can be found here.



- AOC Resources
- Court Resources
- Court News
- Directories & Contacts
- Education
- Judicial Info System (JIS)
- Judges' Resources

- Benchbooks
- JABS
- Judicial Ethics
- Jury Instructions
- Legislative Information
- Outreach Materials
- Research
- Resources and Guides
- Sentencing

- Legal Resources
- Organizations
- Help
- Maintenance Utilities

## LIST OF LEGAL AUTHORITIES RELATED TO CLOSURE OF COURTS

(supplementing Chief Justice Alexander's letters  
to individual trial courts in the fall of 2008)

**With one exception (see below), courts are required to be open except for non-judicial days:**

- **Washington Constitution Article IV, § 2:**  
... The [**Supreme Court**] shall always be open for the transaction of business except on nonjudicial days. ...
- **RCW 2.04.030:**  
The **Supreme Court** and the **court of appeals** shall always be open for the transaction of business except on Saturdays, Sundays, and legal holidays designated by the legislature.
- **Washington Constitution Article IV, § 6:**  
... [**Superior courts**] shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. ... Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.
- **CR 77(d):**  
(d) **Superior Courts** Always Open. The superior courts are courts of record, and shall be always open, except on nonjudicial days.
- **RCW 2.08.030:**  
The **superior courts** are courts of record, and shall be always open, except on nonjudicial days.
- **RCW 3.30.040:**  
The **district courts** shall be open except on nonjudicial days. ... The court shall sit as often as business requires in each city of the district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.
- **RCW 35.20.020:**  
The [**Seattle**] **municipal court** shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. ...

**Exception: For municipal courts (other than Seattle Municipal Court), the city may decide the days and hours of operation:**

- **RCW 3.50.110:**  
The **municipal court** shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: PROVIDED, that the municipal court shall not be open on nonjudicial days.

**Attorney General opinion interpreting the phrase "shall be open except on non-judicial days":**

- **AGO 1963-64 No. 93** (concluding that the county's authority to determine the days and hours that county offices will be open for business under **RCW 36.16.100** is "subject to the clearly implied exception" that the constitution requires superior courts to be open except on non-judicial days).

**Additional provisions that apply to all courts:**

• **GR 21: Emergency Court Closure**

(a) Generally. A court may be closed if weather, technological failure or other hazardous or emergency conditions or events are or become such that the safety and welfare of the employees are threatened or the court is unable to operate or demands immediate action to protect the court, its employees or property. Closure may be ordered by the chief justice, the presiding chief judge, presiding judge or other judge so designated by the affected court in his or her discretion during the pendency of such conditions or events.

(b) Order and Notification. Whenever a court is closed in accordance with section (a), the chief justice, presiding chief judge, presiding judge or other judge directing the closure of the court shall enter an administrative order closing the court which shall be filed with the clerk of the affected court. It shall also be the responsibility of the chief justice, the presiding chief judge, the presiding judge or other judge so designated by the affected court to notify the Office of the Administrator for the Courts of any decision to close a court. All oral notifications to the Office of the Administrator for the Courts shall be followed as soon as practicable with a written statement outlining the condition or event necessitating such action and the length of such closure.

(c) Filings and Hearings - Time Extended. Reserved.

See **GR 3**.

• **GR 2: Holidays**

(a) In event any legal holiday falls on Saturday all the courts of the state shall be closed on the preceding day (Friday).

(b) In event any legal holiday falls on Sunday all the courts of the state shall be closed on the following day (Monday).

(c) All clerk's offices shall likewise be closed on such days.

• **GR 3: Filings and Hearings--Time Extended**

In event the last day for filing any document, having any hearing or for doing any other thing or matter in any court shall fall upon a day when such court shall be closed according to rule 2 or rule 21, then and in that event the time for such filing, hearing, or other thing or matter shall be extended until the end of the next business day upon which such court shall be open for business. Notwithstanding this rule, extensions of time for trial are governed by CrR 3.3(d)(8) and CrRLJ 3.3(d)(8).

• **RCW 1.16.050: Legal Holidays**

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day. ...

**Additional provisions relating to trial courts:**

• **GR 29(e) and (f): Presiding Judges in Superior Courts and Courts of Limited Jurisdiction**

(e) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the

court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

...

(3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;

...

(5) Supervise the daily operation of the court ... .

...

**Additional provisions specific to superior court:**

• CR 78(c):

(c) Office Hours. The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays.

• RCW 2.08.010:

... Injunctions and writs of prohibition and of habeas corpus may be issued [by superior courts] on legal holidays and nonjudicial days.

**Additional provision specific to courts of limited jurisdiction:**

• CrRLJ 1.4(d):

(d) "Court day" means any day on which a court is open for the transaction of administrative business, including but not limited to the acceptance of papers for filing.

**Case law interpreting "shall be open except on non-judicial days":**

- ***State ex. rel. Walter v. Superior Court***, 49 Wash. 1, 94 P. 665 (1908) (held: trial court erred in hearing a case on a legal holiday, but error not prejudicial because appellant did not object at trial).
- ***Skagit Ry. & Lumber Co. v. Cole***, 1 Wash. 330, 26 P. 535 (1890) (held: because Supreme Court is to be open except on non-judicial days, there are no "terms of court")
- ***Gordon v. Hillman***, 102 Wash. 411, 173 P. 22 (1914) (same holding as *Skagit Ry.*)
- ***State v. Claypool***, 132 Wash. 374, 232 P. 351 (1925) (held: because superior court is to be open except on non-judicial days, there are no "terms of court")

- AOC Resources
- Court Resources
- Court News
- Directories & Contacts
- Education
- Judicial Info System (JIS)
- Judges' Resources
  - Benchbooks
  - JABS
  - Judicial Ethics
  - Jury Instructions
  - Legislative Information
  - Outreach Materials
  - Research
  - Resources and Guides
  - Sentencing
- Legal Resources
- Organizations
- Help
- Maintenance Utilities

## LAWS RELATING TO SALARIES FOR TRIAL COURT JUDGES

*[This summary should not be viewed as legal advice or as a formal opinion in the nature of an Attorney General's Opinion.]*

**SUPERIOR AND DISTRICT COURTS.** Salaries for judges of the superior and district courts are fixed by the Washington Citizens' Commission on Salaries for Elected Officials:

- Wash. State Const. Art. 28, § 1: "**Salaries** for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, **superior courts, and district courts shall be fixed by an independent commission** created and directed by law to that purpose."
- RCW 43.03.310(1): "**The citizens' commission on salaries for elected officials** shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, **superior courts, and district courts, and shall fix the salary for each respective position.**"
- RCW 2.08.092: "The annual salary of the judges of the superior court shall be established by the Washington citizens' commission on salaries for elected officials."
- RCW 3.58.010: "The annual salary of each full time district court judge shall be established by the Washington citizen's commission on salaries for elected officials."

The Citizens' Commission on Salaries for Elected Officials has already set the salaries for the superior court and district court judges for 2009-2010. See RCW 43.03.012, setting the salary for superior court judges at \$148,832, and setting the salary for district court judges at \$141,710. See also, <http://www.salaries.wa.gov/>.

**MUNICIPAL COURTS.** Salaries for municipal court judges are set by local ordinance. See RCW 3.50.080; RCW 35.20.160. For cities with a population of over 400,000, the judicial salary can be no lower than \$9,000 per year and can be no higher than the salary received by that county's superior court judges. RCW 35.20.160.

**INCREASING OR DECREASING JUDICIAL SALARIES.** Salaries of superior court, district court, and municipal court judges may be increased during the term of office. See Wash. State Const. Art. 30 § 1:

"**The compensation** of all elective and appointive state, county, and municipal officers who do not fix their own compensation, **including judges of courts of record and the justice courts may be increased during their terms of office** to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered. The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed."

These salaries, however, may not be decreased during a term of office. See Wash. State Const. Art. XI, § 8:

"**The salary of any county, city, town, or municipal officers shall not be increased** except as provided in section 1 of Article XXX or **diminished after his election, or during his term of office**; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed."

- AOC Resources
- Court Resources
- Court News
- Directories & Contacts
- Education
- Judicial Info System (JIS)
- Judges' Resources

- ..... Benchbooks
- ..... JABS
- ..... Judicial Ethics
- ..... Jury Instructions
- ..... Legislative Information
- ..... Outreach Materials
- ..... Research
- ..... Resources and Guides
- ..... Sentencing

- Legal Resources
- Organizations
- Help
- Maintenance Utilities

[NOTE: This summary should not be viewed as legal advice or as a formal opinion in the nature of an Attorney General's Opinion.]

## LAWS RELATING TO WHETHER THE COUNTY MAY REDUCE THE LEVEL OF HEALTH BENEFITS FOR DISTRICT COURT JUDGES

Counties are authorized to pay health benefits to county employees, including elected officials. [RCW 41.04.180](#).

### The payment of benefits to district judges is largely discretionary with the county:

- **For benefits, unlike salary, there is no state-wide entity that sets a required level of compensation** that a county must provide for the district court judges.
  - The Salary Commission does not set the benefits for district court and superior court judges, only the salary. See, e.g., State Const. Art. 28, Section 1 (creating the Salary Commission); [RCW 43.03.012](#) (setting the salary levels for 2006-09).
  - Generally speaking, the definition of "salary" usually does not include health benefits. See discussion in [AGO 1988 No. 29](#).
  - More recently, Thurston County Superior Court Judge Doran ruled in a 2002 case that the word "salary" does not include benefits, for purposes of State Const. Art. IV, § 13. The constitutional provision requires the State to pay one-half of the "salary" of a superior court judge, and Judge Doran ruled that this did not extend to benefits. ***Thurston County v. State of Washington***, Thurston County Superior Court Case No. 01-2-01723-1, issued July 31, 2002.
  - Also, both the Legislature and the Salary Commission have interpreted the Commission's constitutional authority as being limited to salary, and not to benefits. See discussion in [AGO 1996 No. 2](#) at footnote 4. ([AGO 1996 No. 2](#) reserved judgment on this specific issue, noting more generally that "salary" includes those fringe benefits that are "measurable as direct and immediate economic gain", but declining to specify whether certain benefits fit into this category).
  - Because there is no state requirement as to a particular level of benefits, the various counties provide different levels of benefits to their district court judges.
- Judges do not have a fundamental right to continued health care benefits. [AGO 1988 No. 29](#). The right is statutory, not constitutional. [AGO 1988 No. 29](#).
- Counties can provide different levels of health benefits to different classes of employees, as long as the scheme does not violate equal protection:
 

"There simply is no express requirement in [[RCW 41.04.180](#)] that all employees of a given department of state government or of a given political subdivision be afforded hospitalization and medical aid coverage merely because the employer has determined, as a matter of policy, to establish or make available this coverage for specific categories of its employees. Of course, any classification as to employees covered and employees not covered must be rational. It cannot be arbitrary, capricious, or invidiously discriminatory." [AGO 1988 No. 29](#) (quoting [AGO 65-66 No. 1](#)).

### Potential limitation on counties reducing benefits for judges—Wash. Const. Art. 28, § 1 (the constitutional provision creating the Salary Commission for setting judicial salaries):

- Article 28, Section 1, of the state constitution provides that judicial salaries are to be set by the Washington Citizen's Commission on Salaries for Elected Officials. The Salary Commission sets salaries for judges, but does not set benefits. It can be argued, however, that under some circumstances, a county's decision to reduce benefits for district court judges would be improper as a "back door" way to improperly cut salaries.
- The strongest argument that the county's action would violate Article 28, § 1 would be if the

county were to exactly match the cut in judges' benefits with the size of the cut in the other employees' salaries. In other words, if the county decided to cut judges' benefits by 15%, for example, and decided to cut all other employees' salary by 15% without cutting their benefits at all, then there might be pretty good evidence that the county was impermissibly acting, even if indirectly, to cut the judges' \*salary\* by 15%. By matching the two cuts, the county would be clearly signaling that the motivation for the cut in judges' benefits was because their salary could not be reduced. Under those circumstances, perhaps a reviewing court would find that the county had indirectly violated the salary commission provision. The county should not be allowed to do indirectly what it cannot do directly. **Pierce County v. State**, 159 Wn.2d 16, 148 P.3d 1002 (2006) ("The law should not be construed to do indirectly what it cannot do directly."). The more that these two percentages matched identically, the stronger would be this argument. Even here, however, a reviewing court might still find that the county left the salary level intact, and merely reduced the benefit level, for which the county has discretion to do, as long as equal protection violations do not occur (see AGO 1988 No. 29).

- If, on the other hand, the county were to reduce everybody's benefits, \*including\* the judges', by a similar amount or percentage, then there would be little argument that the county decision was in improper cut in the judges' salary. Rather, it would be a valid exercise of the county's discretion as to payment of benefits, and no tie could plausibly be made to being a back-door cut in the judge's salary.

#### **Potential limitation on counties reducing benefits for judges—Equal protection:**

- If a county were to reduce benefits for judges, but not for other classes of employees, would the action violate equal protection principles?
- Under equal protection analysis, judges are not a "suspect class" and they do not have a fundamental right to receipt of benefits; thus, a reduction in judicial benefits would be analyzed using the "**rational relationship**" test. See AGO 1988 No. 29. The AG's analysis in AGO 1988 No. 29 found no violation of equal protection when King County stopped paying benefits to its superior court judges, but the circumstances of that case were that the superior court judges were already receiving benefits from the state, and the AG's opinion relied heavily on this duplication of benefits in concluding that there was a rational basis for King County's plan. See AGO 1988 No. 29 (Section D of the opinion, entitled "Equal Protection").
- **It is not clear whether the result in AGO 1988 No. 29 would be the same if the county's motivation for saving money was to undercut the Salary Commission's fixing of the district court judge's salary.**
- The "rational relationship" test has three questions.
  - (1) Does the classification apply equally to all class members? (Clearly, yes. The county would be treating all district court judges the same.)
  - (2) Is there a rational basis for distinguishing class members from non-members?
  - (3) Does the classification bear a rational relationship to the legislative purpose?

Sometimes, courts refer only to questions 2 and 3, because question 1 is usually met.

This test is quite deferential to the governmental action:

"The rational basis test requires only that the means employed by the statute be rationally related to a legitimate State goal, and not that the means be the best way of achieving that goal. [T]he Legislature has broad discretion to determine what the public interest demands and what measures are necessary to secure and protect that interest. ... To satisfy this test, the challenged law must rest upon a legitimate state objective, and the law must be rationally related to, and not wholly irrelevant to, achieving that objective. ... A statute is presumed to be constitutional, and the party challenging it bears the burden to prove beyond a reasonable doubt that it is unconstitutional." **State v. Bryan**, 145 Wn.App. 353, 185 P.3d 1230 (2008).

Further, a party raising an equal protection challenge under this test has a "heavy burden of proof" that the classification excluding the party was "manifestly arbitrary, unreasonable, inequitable and unjust." **Automobile Drivers & Demonstrators Union Local No. 882 v. Department of Retirement Systems**, 92 Wash.2d 415, 598 P.2d 379 (1979). "The Legislature has broad discretion in creating classifications in social and economic legislation; a classification will be upheld if any state of facts may reasonably be conceived to substantiate it." Id.

There is a lot of wiggle-room under this test. If the legislative purpose is determined to be saving the county money, then this is clearly a legitimate purpose. The question would then be whether it is rational to single out judges as the only group that is subject to the reduction of benefits, or whether instead this classification is arbitrary, unreasonable, inequitable, and unjust. To some degree, this depends on how much deference the reviewing court would give to the county here. As indicated above, the law requires giving some deference to the county's decision, but reviewing courts vary greatly in how this actually gets applied to a particular case.

Given that a reviewing court must give deference to the county under this test, the court might conclude that it is reasonable to require everybody to share the financial load, whether that sharing is done through a cut in salary (for other employees) or through a cut in benefits (for judges). Sometimes courts will uphold under the rational relationship test a classification scheme under which one group of employees receives a smaller benefit because they have other benefits available from outside sources to compensate for this. For example, in AGO 1988 No. 29, the Attorney General's Office concluded that King County could decline to extend health and life insurance benefits to superior court judges, given that these judges already receive these benefits from the state, whether or not the state benefits are as comprehensive as those offered by the county to other employees. (If there were a significant difference in the extent of the county and state benefits, perhaps the AG would have reached a different decision?) Cases from other jurisdictions have addressed the general issue about justifying smaller benefits to a class of employees based on those employees' access to other benefits, and the cases there seem to be split. See, e.g., *In re Pensions of 19th Dist. Judges*, 540 N.W.2d 784 (Mich.App.1995) (city retirement system did not violate district court judge's equal protection rights by excluding her from participation in city employees retirement system due to her participation in state judges' retirement system); but see, e.g., *Gardner v. Itasca County*, 157 N.W.2d 753 (Minn.1968) (statute providing that probate judge retirement pension shall be reduced by full amount of any retirement pension from the Public Employees Retirement Association denied probate judge the equal protection of the laws and such statute was invalid).

If, on the other hand, the reviewing court granted less deference to the county, the court could conclude that the county acted arbitrarily and inequitably in singling out judges for the cut in benefits, when other employees were not similarly treated. The court could conclude that judges are not the only ones who have high salaries and have access to other sources for benefits, so they are not the only ones who might be able to better handle a cut in benefits – other elected officials would likely be similarly situated to judges on this score. The court could conclude that the true legislative purpose of the classification was not just a general intent to save the county money, but also an intent to circumvent the salary requirements of Article 28, § 1. The court could also conclude that the county was precluded from considering that other employees had received a pay cut when the judges had not, as any such consideration could be construed as a de facto cut in the judges' salary. In other words, once the district court judges' salary is taken out of the county's consideration by Art. 28, § 1, the county cannot use the protected nature of the judges' salary as an excuse for cutting benefits instead.

**A separate issue exists as to whether the county can reduce the level of benefits during a judge's term.**

- **"Compensation" of a public officer, including a judge, cannot be decreased during the officer's term of office.** State Const. Art. 2, § 25; AGO 1994 No. 8.
  - (FYI: The constitutional analysis is different for whether such compensation can be *increased* at mid-term. A separate constitutional provision was adopted in 1972 providing that compensation of elected officers, including judges, may be *increased* during their terms of office. State Const. Art. 30, § 1. The adoption of Article 30, § 1, left intact the prohibition in Article II, § 25 against *decreasing* a judge's compensation mid-term. AGO 1994 No. 8.)
- **The surprisingly complicated question is whether benefits constitute "compensation," and thus cannot be reduced during a judge's term of office.**
  - On the one hand, "compensation" is ordinarily given a broader meaning than just salary, under a definition that would appear to include health benefits:
 

"The ordinary meaning of 'compensation' is remuneration in whatever form it may be given, whether it be salaries, wages, or benefits. See *State ex rel. Funke v. Board of Comm'rs*, 48 Wash. 461, 465-66, 93 P. 920 (1908) ("The term 'compensation' as used in [article 2, section 25] seems to be broad enough to include any remuneration from the public treasury for a public officer, whether by way of what is called 'salary' or

otherwise.”)

- o On the other hand, the Legislature has expressly declared that health benefits do *not* constitute “compensation.” See [RCW 41.04.190](#); [AGO 1988 No. 29](#). The reason why the Legislature did this was to allow for mid-term increases to elected officials’ health benefits. See [AGO 1988 No. 27](#).
- o The AG’s Office has a policy of not addressing the constitutionality of statutes, and it has twice declined to rule on the constitutionality of the Legislature’s 1983 amendment to [RCW 41.04.190](#) that declared health benefits to not constitute “compensation.” See [AGO 1988 No. 27](#); [AGO 1988 No. 29](#). (The opinions, however, certainly give the impression that the AG would find the 1983 amendment unconstitutional, but for the policy of not reaching these issues. For example, each opinion cites to an AG opinion casting doubt on the constitutionality of a similar issue.) The language in question from [RCW 41.04.190](#) has been in place since 1983, but no appellate case has ruled on its constitutionality.

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The Supreme Court  
State of Washington

GERRY L. ALEXANDER  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929

(360) 357-2029  
FAX (360) 357-2085  
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

November 3, 2008

Honorable

Dear Judge

At a time of budgetary constraint, the judiciary should be willing to economize in any way practical. However, the closure of the district courts, even for short periods of time, raises significant constitutional and statutory concerns.

With that in mind, I will respond to your question about whether a district court can accede to a request by a county government to close the court for a period of time, which would include judicial days. My answer to that question is no. I point out in support of this position that the root of the district court's authority is article IV, section 1 of the state constitution, which vests the state's judicial power in a supreme court, superior courts, and such courts "as the legislature may provide." The district court is a court that the legislature has created. As such, it is a part of the judicial branch of government and is not a county department. In creating courts, the legislature has indicated that these courts "shall be open except on nonjudicial days." That, in my view, means that all departments of a district court shall be open.

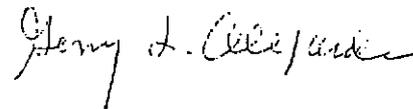
This court has adopted a court rule, GR 21, which allows courts of all levels to be closed if "weather, technological failure or other hazardous or emergency conditions or events" threaten the safety and welfare of employees. This rule would not, in my judgment, apply to the situation that has developed in your county as you have described it to me.

In sum, courts in Washington derive their authority from the state constitution. The legislature has dictated that a court it created, pursuant to authority committed unto it by the constitution, may be closed only on nonjudicial days (weekends and recognized

Honorable  
November 3, 2008  
Page 2

holidays). We have taken an oath to uphold that constitution and, by inference, laws adopted pursuant to it. This duty cannot be forsworn.

Sincerely,

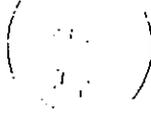
A handwritten signature in cursive script that reads "Gerry L. Alexander".

Gerry L. Alexander  
Chief Justice

cc: Washington Supreme Court Justices  
✓ Mr. Jeff Hall, State Court Administrator

The Supreme Court  
State of Washington

GERRY L. ALEXANDER  
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FAX 13601 357-2085  
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

October 29, 2008

Honorable :

Dear Judge

At a time of budgetary constraint, the judiciary should and is willing to economize in any way practical. However, the closure of courts, even for short periods of time, raises significant constitutional and statutory concerns.

With that in mind, I will respond to your question about whether a superior court can accede to a request by a county government to close the court for a period of time, which would include judicial days. My answer to that question is no. I point out in support of this position that the superior court is a state court. It is not a county department. This court derives its authority from article IV of the Washington Constitution. Section 6 of that article provides that the superior court "shall always be open, except on nonjudicial days." One year after the constitution was adopted, the legislature passed a statute, now codified as RCW 2.08.030, which contains language identical to that in the aforementioned provision in the constitution.

This court has adopted a court rule, GR 21, which allows courts of all levels to be closed if "weather, technological failure or other hazardous or emergency conditions or events" threaten the safety and welfare of employees. This rule would not, in my judgment, apply to the situation that has developed in your county as you have described it to me.

In sum, courts in Washington derive their authority from the state constitution, which has dictated that they may be closed only on nonjudicial days (weekends and

Honorable  
October 29, 2008  
Page 2

recognized holidays). We have taken an oath to uphold that constitution and the duty to do so cannot be forsworn.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerry L. Alexander".

Gerry L. Alexander  
Chief Justice

cc: Washington Supreme Court Justices  
✓ Mr. Jeff Hall, State Court Administrator

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF STEVENS

In the Matter of )  
DISTRICT COURT OFFICE HOURS ) GENERAL ORDER  
\_\_\_\_\_ )

THE COURT FINDS that, due to budgetary constraints, the District Court current office hours open to the public may be decreased while still allowing for the business of the court to be addressed, albeit at reduced hours. Being fully advised, it is hereby

ORDERED that the District Court office hours, for conducting the business of the court with the public, commencing January 1, 2010, shall be as follows:

Monday, Tuesday and Wednesday– 8:30 to 3:30 (closed noon to 1:00)  
Thursday and Friday – 9:00 to 3:30 (closed noon to 1:00)  
(Closed Saturdays, Sundays and Federal holidays)

The District Court's office (currently in Room 213 of the Stevens County Courthouse) shall be closed for business with the public during all other hours except as above.

ENTERED this 4<sup>th</sup> day of February, 2010.

  
Gina A. Tveit, Judge

SKAGIT COUNTY DISTRICT COURT

IN AND FOR THE STATE OF WASHINGTON

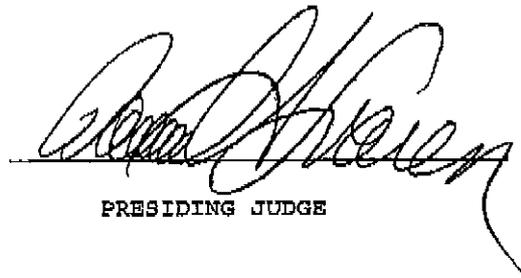
IN RE THE CLOSURE OF SKAGIT COUNTY  
DISTRICT COURT ITS DEPARTMENTS ON  
DECEMBER 24, 2009

ORDER CLOSING COURT ON  
December 24, 2009 in the  
afternoon

THIS COURT finds that it is in the best interests of the Skagit County District Court and its Departments to close to the public at 11:00 am on December 24, 2009.

ACCORDINGLY, IT IS HEREBY ORDERED, pursuant to the general powers of the Presiding Judge embodied in GR 29 that Skagit County District Court, and its Departments shall be closed to allow staff to travel home safely and to prepare for the Christmas Holiday. Regular hours of service will resume on the morning of December 28, 2008.

DATED this 21st day of December, 2009.

  
PRESIDING JUDGE





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February 18, 2010

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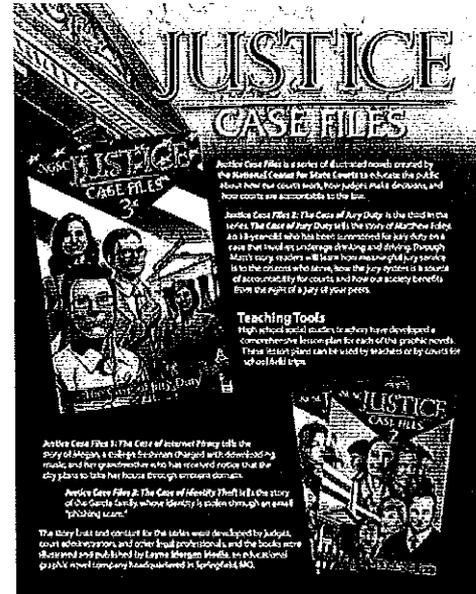
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# JUSTICE

## CASE FILES

# 2



### The Case of Stolen Identity

Dear Readers,

Millions of Americans visit our nation's courthouses every day. The business and the decisions that take place in our state courts affect the daily lives of all of our citizens. Yet, few people understand how our justice system works.

To help increase knowledge about our courts, the National Center for State Courts developed Justice Case Files. This series of graphic novels takes timely issues that can impact anyone, from students to adults, and shows how our courts work to protect the public.

"The Case of Stolen Identity," the second in this series, focuses on one of the fastest-growing crimes in this country, one that is turning millions of unsuspecting Americans into victims: identity theft.

One of the basic principles of our system of justice is to protect the people it serves. At the National Center for State Courts, we looked to this fundamental principle when developing this graphic novel. By reading this story, you will become more aware about the threat of having your identity stolen and better equipped to protect yourself. This story will help readers gain a deeper understanding of how our courts preserve our democratic society.

I'm pleased to introduce "Justice Case Files 2: The Case of Stolen Identity," and I hope that by reading it you will gain a better understanding of how our courts protect our citizens.

Sincerely,



Mary Campbell McQueen  
President  
National Center for State Courts

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STORY • TERRY COLLINS

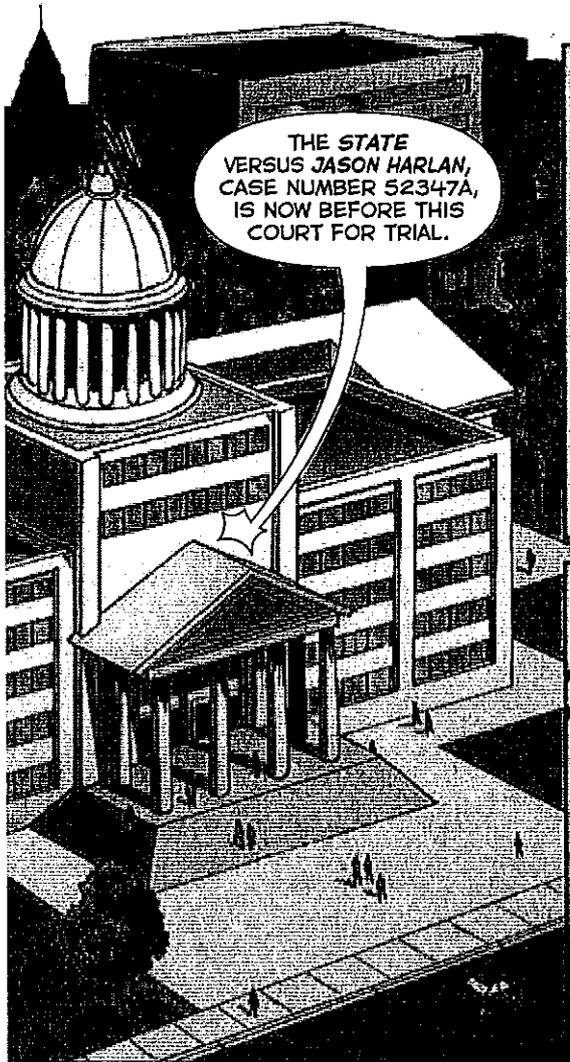
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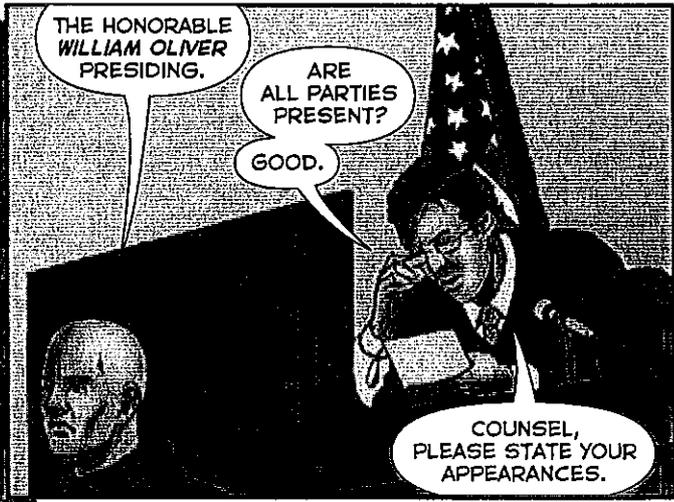
LETTERS • JOHNNY LOWE

DESIGNS • DANIEL BURTON

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THE STATE VERSUS JASON HARLAN, CASE NUMBER 52347A, IS NOW BEFORE THIS COURT FOR TRIAL.

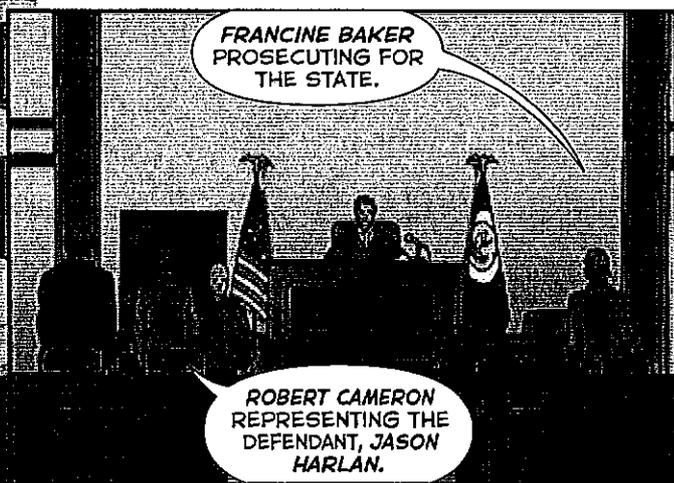


THE HONORABLE WILLIAM OLIVER PRESIDING.

ARE ALL PARTIES PRESENT?

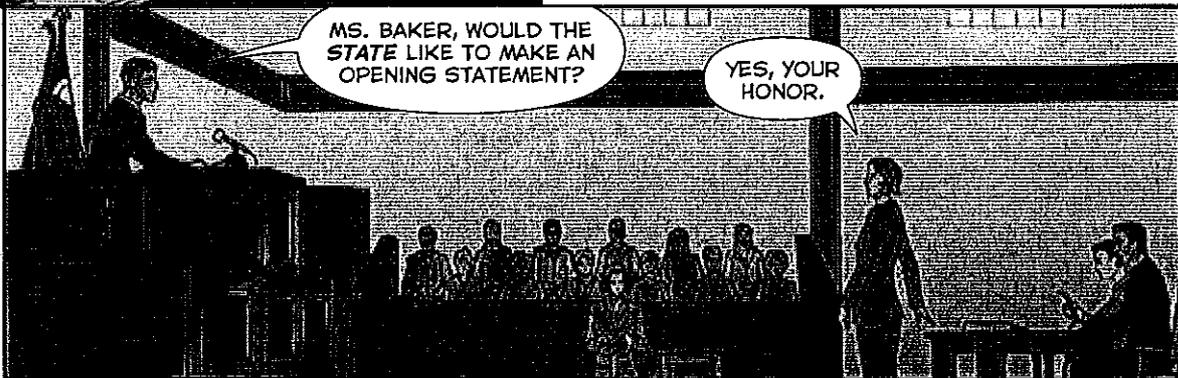
GOOD.

COUNSEL, PLEASE STATE YOUR APPEARANCES.



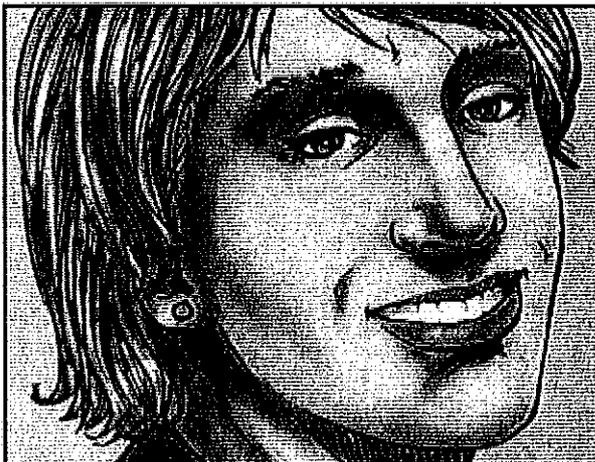
FRANCINE BAKER PROSECUTING FOR THE STATE.

ROBERT CAMERON REPRESENTING THE DEFENDANT, JASON HARLAN.



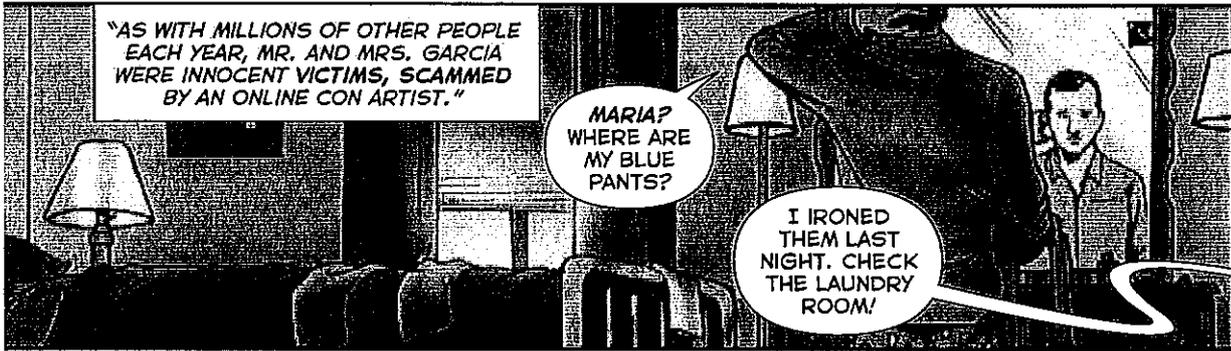
MS. BAKER, WOULD THE STATE LIKE TO MAKE AN OPENING STATEMENT?

YES, YOUR HONOR.



LADIES AND GENTLEMEN OF THE JURY, THE STATE WILL PROVE THAT JASON HARLAN COMMITTED THE CRIME OF IDENTITY THEFT BY UNLAWFULLY USING THE IDENTITY OF JAVIER AND MARIA GARCIA TO FRAUDULENTLY STEAL MONEY FROM THEIR BANK ACCOUNTS. THIS WAS DONE WITH USE OF THE INTERNET.

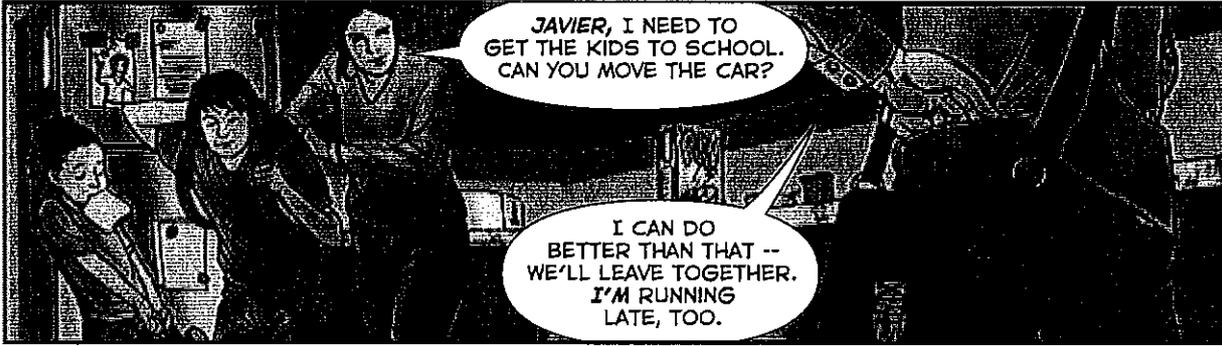
IT IS ESTIMATED THAT OVER THREE MILLION COMPUTER USERS WERE DEFRAUDED THROUGH ONLINE CRIMES LAST YEAR.



"AS WITH MILLIONS OF OTHER PEOPLE EACH YEAR, MR. AND MRS. GARCIA WERE INNOCENT VICTIMS, SCAMMED BY AN ONLINE CON ARTIST."

MARIA?  
WHERE ARE  
MY BLUE  
PANTS?

I IRONED  
THEM LAST  
NIGHT. CHECK  
THE LAUNDRY  
ROOM!



JAVIER, I NEED TO  
GET THE KIDS TO SCHOOL.  
CAN YOU MOVE THE CAR?

I CAN DO  
BETTER THAN THAT --  
WE'LL LEAVE TOGETHER.  
I'M RUNNING  
LATE, TOO.



DON'T FORGET TO STOP AT  
THE STORE TONIGHT ON THE  
WAY HOME. I'LL BE BUSY  
WITH MOM ALL DAY.

OK, I'VE  
GOT A FACULTY  
MEETING UNTIL 4:30,  
SO CALL MY VOICE  
MAIL AND REMIND  
ME! LOVE YOU!

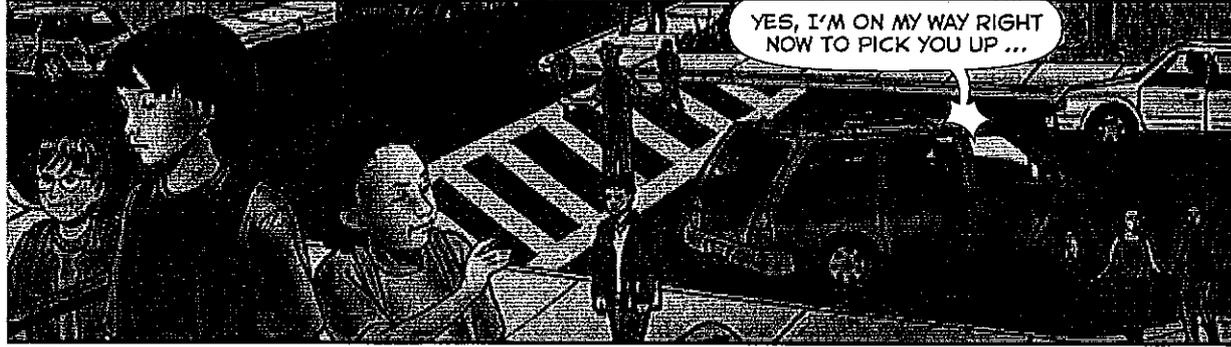


I KNOW YOU'RE TEACHING  
CHEMISTRY RIGHT NOW, JAVIER,  
SO CONSIDER THIS YOUR  
REMINDER TO GO TO  
THE STORE.

OH, MOM'S  
CALLING --

-- BYE FOR  
NOW!

HOLA,  
MAMA?



YES, I'M ON MY WAY RIGHT  
NOW TO PICK YOU UP ...



**Board for Judicial Administration**  
**2010 Legislative Session**  
**POSITIONS Taken at and before 02/16/2010 Conference Call**

Bill	Description	Date	Position	Hearings / Comments
------	-------------	------	----------	---------------------

**BJA Request Legislation**

HB 2518	<b>Interpreter oath requirements</b> Modifying oath requirements for interpreters. H Judiciary - Leg Link	01/11/2010	BJA Request	Senate Judiciary
HB 2520 SB 6415	<b>Yakima Co. sup. court judges</b> Increasing the number of superior court judges in Yakima county. H Judiciary - Leg Link	01/11/2010	BJA Request	Dead
SB 6686	<b>Municipal court judges</b> Changing the election and appointment provisions for municipal court judges. S Judiciary - Leg Link	01/25/2010	BJA Request	House Judiciary

= Denotes Hearing Details

strike

= Dead Bills

Bill	Description	Date	Position	Hearings / Comments
HB 1003	<b>Dissolution of ports</b> Providing notice and summons in proceedings involving the dissolution of ports and other districts and in dependency matters. H Judiciary - Leg Link	01/11/2010	Support	H- Judiciary 01/14/2009 at 08:00 Clerk's bill.
HB 1738	<b>Supreme court campaigns</b> Providing public funding for supreme court campaigns. H Ways & Means - Leg Link	02/01/2010	Concerns	03/05/2009 at 08:00 No position taken to date on underlying issue. Oppose use of court fees to finance. Mellani will testify at hearing.
HB 2394	<b>State govt and Indian tribes</b> Establishing a government-to-government relationship between state government and Indian tribes. H 2nd Reading - Leg Link	01/11/2010	No Position	01/14/2010 at 08:00 Mellani will contact Rep McCoy for clarification regarding judicial branch application
HB 2489	<b>Retirement age for judges</b> Removing the mandatory retirement age for judges. H Judiciary - Leg Link	01/11/2010	Support	Also referred by SCJA & DMCJA.
HB 2530	<b>Campaign contributions</b> Concerning a time limit for accepting or soliciting campaign contributions. H SGTribalAff - Leg Link	01/11/2010	Watch	Does not appear to apply to judicial branch.
HB 2625	<b>Bail for felony offenses</b> Addressing bail for felony offenses. S Judiciary - Leg Link	02/16/2010	No Position	01/19/2010 at 10:00
		02/08/2010	No Position	Per SCJA.
HB 2637	<b>Local government taxation</b> Concerning local government taxation. H Finance - Leg Link	01/18/2010	-----	H- Finance 01/15/2010 at 13:30 Full BJA voted to support temporary

**Board for Judicial Administration**  
**2010 Legislative Session**  
**POSITIONS Taken at and before 02/16/2010 Conference Call**

Bill	Description	Date	Position	Hearings / Comments
				suspension of nonsupplant language.
		01/15/2010	Support	Full BJA voted to support temporary suspension of nonsupplant language
HB 2650	<del>Severe economic downturns</del> Providing local flexibility with existing revenues during severe economic downturns. H Finance - Leg Link	01/18/2010	-----	H- Finance 01/15/2010 at 13:30 Full BJA voted to support temporary suspension of nonsupplant language for 2637 and 2773. Would seem to apply here as well.
HB 2681	<del>Compensation for p-t judges</del> Allowing compensation for part-time judges' judicial services. S Judiciary - Leg Link	01/25/2010	Support	H- Judiciary 01/28/2010 at 10:00
HB 2747 6500	<del>Use of restraints</del> Limiting the use of restraints on pregnant women or youth. H subst for - Leg Link	01/25/2010	No Position	01/18/2010 at 13:30
		01/19/2010	Refer to Com.	Refer to SCJA. Gender and Justice Commission supports. Place on BJA agenda next week.
HB 2773 6424	<del>Local excise tax authorities</del> Concerning local excise tax authorities for counties and cities. H Finance - Leg Link	01/18/2010	-----	H- Finance 01/19/2010 at 13:30 Referred by SCJA.
		01/15/2010	Support	Full BJA voted to support temporary suspension of nonsupplant language
SHB 2778	<del>Domestic violence</del> Concerning domestic violence. H Ways & Means - Leg Link	02/01/2010	No Position	H- Judiciary 01/18/2010 at 13:30 Referred by DMCJA sections 305, 306 and 307 to make sure DMCJA and SCJA were ok with amendments.
SHB 2827	<del>Domestic violence/release</del> Prohibiting a person arrested and detained for a crime involving domestic violence from being released until the person has appeared before the court at the preliminary appearance or arraignment. H Rules R - Leg Link	02/08/2010	No Position	01/26/2010 at 10:00 Per SCJA.
HB 2897 SHB 2897 6499	<del>Tolls: collection, use, etc.</del> Concerning the administration, collection, use, and enforcement of tolls. H 2nd Reading - Leg Link	01/25/2010	Support/Oppose	H- Transportation 01/25/2010 at 15:30 Support original bill, oppose proposed substitute that would remove infractions from court system.
		02/16/2010	Oppose	Contains admin and not court process.
HB 2901	<del>Drug-free zones</del> Changing the perimeters and entities that are	01/19/2010	No Position	To be continued during interim

**Board for Judicial Administration**  
**2010 Legislative Session**  
**POSITIONS Taken at and before 02/16/2010 Conference Call**

Bill	Description	Date	Position	Hearings / Comments
	included in drug-free zones under the uniform controlled substances act. H Pub Safety - Leg Link			
HB 2994 SHB 2994	<b>Public service announcements</b> Prohibiting public service announcements by elected officials during reelection campaigns. H 2nd Reading - Leg Link	02/01/2010	Under Review	01/26/2010 at 13:30 Awaiting word from Reiko Callner. Check with Melanie S about Judge Nakata concern re juror contact.
		01/25/2010	Refer to Com.	Refer this bill to the Judicial Conduct Commission. Review RCW for concerns about inclusion of judicial branch for possible interim discussion.
		02/09/2010	No Position	DMCJA got 2994 amended to address Judge Nakatas issue of court mailings to jurors and moved to no position since it no longer has a court impact.
HB 3043	<b>Access to justice account</b> Redirecting funding from the judicial information system account to the access to justice account. H Gen Gov Apps - Leg Link	01/25/2010	Oppose	Use SCJA and DMCJA contacts to help support JIS advocacy.
HB 3056	<b>Pretrial release &amp; detention</b> Concerning pretrial release or detention. S Judiciary - Leg Link	02/16/2010	Oppose	01/26/2010 at 10:00 Talk to John Lane about continued need for bill given language changes to constitutional amendment
		02/08/2010	Oppose	
		02/01/2010	Oppose	Oppose all but the task force bill.
		01/25/2010	Under Review	Discuss next week after SCJA criminal committee has reviewed. Jeff will email COSCA list serv to see if any states model the federal bail system.
HJR 4216	<b>Retirement age for judges</b> Eliminating the mandatory retirement age for judges. H Judiciary - Leg Link	01/11/2010	Support	Also referred by SCJA & DMCJA.
HJR 4218 8218	<b>Offenses not bailable</b> Amending the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable by sufficient sureties. H Pub Safety - Leg Link	02/16/2010	Watch	
		02/08/2010	Oppose	
		02/01/2010	Oppose	Referred by SCJA. Oppose all but the task

# Board for Judicial Administration

## 2010 Legislative Session POSITIONS Taken at and before 02/16/2010 Conference Call

Bill	Description	Date	Position	Hearings / Comments
				force bill.
HJR 4220 8224	<b>Bailable crimes/st. Const.</b> Amending the state Constitution so that the provision relating to bailable crimes by sufficient sureties is modified. H subst for - Leg Link	02/16/2010	Watch	01/19/2010 at 10:00
		02/08/2010	Under Review	
		02/01/2010	Oppose	Oppose all but the task force bill.
		01/25/2010	Under Review	Review next week after SCJA criminal committee has discussed.
		01/19/2010	Under Review	Speak to John Lane and discuss next week
SB 5912 2SSB 5912	<b>Supreme court campaigns</b> Providing public funding for supreme court campaigns. S subst for - Leg Link	02/01/2010	Concerns	S - Government Operations & Elections 02/02/2010 at 13:30 No position taken to date on underlying issue. Oppose any effort to finance bill with court fees. Mellani will testify.
		02/16/2010	Concerns	Did not meet 960 challenge and is dead
SB 6268	<b>Administrative procedure act</b> Concerning the administrative procedure act. S Judiciary - Leg Link	01/11/2010	No Position	S - Judiciary 01/13/2010 at 15:30
SSB 6323	<b>Service of protection orders</b> Concerning the service of protection orders on a person with a disability, brain injury, or impairment. S 2nd Reading - Leg Link	02/16/2010	Watch	S - Human Services & Corrections 01/22/2010 at 08:00 Referred by SCJA, could be amended to another bill. watch for fiscal or deadline impacts
SB 6450	<b>Court reporters</b> Requiring the department of licensing to establish continuing education requirements for court reporters. H Judiciary - Leg Link	01/25/2010	No Position	S - Judiciary 01/20/2010 at 15:30
		01/19/2010	Under Review	Refer to SCJA and discuss next week
SB 6490	<b>Driver's &amp; vehicle licenses</b> Changing provisions regulating driver's and vehicle licenses. S 2nd Reading - Leg Link	01/25/2010	No Position	S - Judiciary 01/26/2010 at 10:00
		01/19/2010	Under Review	Refer to DMCJA. Jeff will provide information to DMCJA. Review next week.
SSB 6503	<b>Closing state agencies</b> Closing state agencies on specified dates. H 2nd Reading - Leg Link	01/25/2010	Concerns	S - Ways & Means 01/19/2010 at 15:30 Seeking clarification as to applicability to supreme court and court of appeals. Oppose to the extent the bill applies to them.

**Board for Judicial Administration**  
**2010 Legislative Session**  
**POSITIONS Taken at and before 02/16/2010 Conference Call**

Bill	Description	Date	Position	Hearings / Comments
SB 6527	<del><b>Jurors/unqualified persons</b></del> Notifying the secretary of state when a person summoned for jury service does not meet the qualifications of a juror. S GovtOp & Elect - Leg Link	01/19/2010	Under Review	Referred by DMCJA. Refer to SCJA. Review next week.
SB 6618	<del><b>Family friendly court grant</b></del> Creating the family friendly court grant program. S Judiciary - Leg Link	01/25/2010	No Position	S - Judiciary 02/02/2010 at 10:00 Seems like something we might support but there are serious concerns about the impact to AOC without additional funding.
SB 6666	<del><b>Statutory construction</b></del> Addressing statutory construction. S 2nd Reading - Leg Link	02/01/2010	No Position	S - Judiciary 02/03/2010 at 15:30
		01/25/2010	Watch	
SB 6673 SSB 6673	<del><b>Bail practices task force</b></del> Appointing a task force to study bail practices and procedures. S subst for - Leg Link	02/01/2010	Support	S - Judiciary 02/02/2010 at 10:00 Referred by SCJA.
		01/25/2010	Support	
		02/16/2010	Support	
		02/08/2010	Support	
SB 6680	<del><b>Taxes for criminal justice</b></del> Authorizing counties to impose local sales and use taxes for criminal justice purposes. S Ways & Means - Leg Link	01/21/2010	-----	S - Human Services & Corrections 02/02/2010 at 13:30 Support temporary suspension of nonsupplant language.
SB 6688	<del><b>Nonpartisan elective office</b></del> Concerning filling vacancies in nonpartisan elective office. S subst for - Leg Link	02/01/2010	Watch	S - Government Operations & Elections 02/01/2010 at 10:00 Referred by DMCJA.
SB 6779	<del><b>Pretrial release &amp; detention</b></del> Concerning pretrial release or detention. S Judiciary - Leg Link	02/16/2010	Oppose	
		02/08/2010	Oppose	
		02/01/2010	Oppose	Referred by SCJA. Oppose all but the task force bill.
SJR 8212	<del><b>Judicial conduct commission</b></del> Adding members to and revising procedures for investigation of complaints by the judicial conduct commission. S 2nd Reading - Leg Link	02/16/2010	No Position	S - Judiciary 02/17/2009 at 10:00 Referred by SCJA. Did not take a position because bill died. CJC oppose





**City of Bremerton**  
**Tax & License Division**  
345 Sixth Street, Suite 600  
Bremerton, WA 98337-1873  
(360) 473-5311

Dear Applicant,

Thank you for your services for the Bremerton Court. The City of Bremerton Municipal Code requires that every person or firm engaging in business within the city limits of Bremerton maintain a City business license and pay tax on their gross revenue.

Enclosed is a business license application for you to complete and return to the above address along with a check for the annual license fee. The license fee is currently \$65 per year, but it is pro-rated monthly throughout the calendar year for new applicants. Please contact our office for the appropriate pro-rated amount if you began doing business in Bremerton any time after January. If you are in need of additional forms they can be found on our website at [www.ci.bremerton.wa.us](http://www.ci.bremerton.wa.us) under Forms and Application -- Business/Finance -- Business License Application.

Failure to obtain a City business license is a violation of Bremerton Municipal Code.

If you have any questions please feel free to contact me at (360) 473-5311 or by e-mail at [naomi.newcomb@ci.bremerton.wa.us](mailto:naomi.newcomb@ci.bremerton.wa.us).

Sincerely,

A handwritten signature in cursive script that reads 'Naomi Newcomb'. The signature is written in black ink and is positioned above the printed name and title.

Naomi Newcomb  
Accounting Assistant II

# CITY OF BREMERTON

Tax & License Division • 345 6<sup>th</sup> St, Suite 600 • Bremerton, WA • 98337-1873 • 360-473-5311

Thank you for applying for a City of Bremerton Business License. All persons, firms or corporations engaging in business within the city limits are required to register for a city business license before they commence operations inside Bremerton. Business license registration automatically adds your business to the Bremerton tax rolls making it essential that you understand your local tax reporting obligations in addition to acquiring a business license.

## LICENSING

The business license fee is currently \$65.00 per year but is prorated monthly throughout the calendar year for new applicants. Please call our office to find out the amount of the fee if your business is opening in any other month than January. Once you are registered you will receive a license renewal notice every December. **Please be aware that your license fee is non-refundable regardless of applying in error or subsequent denial of your application.** Upon payment of the license fee, your license application will be routed to concerned city departments for review. During the review process you will not be issued a temporary license and should not consider your license fee receipt as proof of valid licensing.

The following criteria may be used during the departmental review process. If your business is located outside of Bremerton you may disregard criteria related to physical location. The Tax & License Division (360-473-5311) will identify all applicable city tax requirements of the proposed business operation as well as additional regulatory licensing needs, and determine if state business licensing requirements have been met. **If your business is located inside the City, it is your responsibility to contact the Building Department and/or other departments involved, regarding needed permits and/or inspections required during the application process. Your License will not be issued until approvals have been received from all applicable departments.**

The Fire Department will inspect those businesses where the nature of operations warrants a site inspection to ascertain conformance with fire code regulations.

The Planning Department will review your application for conformance with signage, land use, parking, environmental impact and other planning programs. The applicant is encouraged to meet with staff to obtain the proper parking, signage, and setback standards that may apply to your proposed business.

The Building Department will review your application to determine conformance with the Bremerton Uniform Building Code by reviewing a floor plan and confirming that necessary building permits have been obtained. This review could include an inspection of the building for structural, mechanical, or other building safety features required under the uniform codes. Even if you are not doing any construction at your business site, the Building Department will require you to submit a Tenant Permit form in order to issue an Occupancy Permit

The Public Works Department will review applications to determine correct water intake lines, backflow, and drains.

The Police Department uses the license application information to determine if there are any outstanding warrants for the applicant and to build a database for emergency support services such as, immediate notification of the owner if there is an alarm trigger on the business premises.

The Health Department requires that a business apply directly with the Health Department for permits relating to food preparation / handling or pool / spa facilities. Phone: 360-337-5235

## TAXATION

Bremerton assesses local taxes on business activity as follows:

- Business & Occupation Gross Receipts Tax Rates vary from .125% to .2% of gross revenue
- Amusement Device Gross Receipts Tax Rate of 2% of gross revenue
- Admission Tax Rates vary from 2% to 5% of admission price
- Gambling Taxes, including pulltabs, cardrooms, bingo, raffles, and fundraising tax rates vary from 2% to 20%
- Utility Gross Receipt Tax rates vary from 6% to 10%

You are required to file City of Brem erton returns in addition to the returns you file with the State of Washington.

Excerpt from e-mail correspondences with Debbie Hunt, Port Orchard Municipal Court Administrator, January 25, 2010:

Hi Katrin,

Thank you for responding. As I said, Bremerton contacted my city and asked if we charge for interpreters for Business Licenses so my City Clerk has asked me to request that our Finance Committee make Interpreters an exception to our Business License requirement because at this time there is nothing written excluding Interpreters from the requirement.

I was hoping there was something official that I might use (a court rule, law, or something). I guess not.

I do understand all the difficulties involved in requiring Interpreters to pay the license fee so I will try to relay those to the committee and hope for the best. It would be nice if the Commission could get something from the legislature so that each Court doesn't have to fight this battle with their Cities who are trying to get more money.

Thanks,  
Deborah M. Hunt  
Court Administrator  
Port Orchard Municipal Court

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Debbie,  
I'll absolutely bring it to the Interpreter Commission's attention for our February 12th meeting. It's likely too late to get any legislative work done this year. However, if they can write a persuasive letter to anyone or any committee specifically, please let me know.

Katrin

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Katrin,  
That would be very helpful. My meeting with the Finance Committee is 2/26. A letter would be great!

Thanks,  
Debbie



## AWSCA Superior Court Budget Reduction Survey August 26, 2009

The first sheet provides the dollar figures and percentage cuts. Note that counties that received budget increases are highlighted in yellow, and those increases are not included in the total dollar cut tallies at the bottom of each column. The subsequent sheets detail the programmatic cuts reported for the past two years and anticipated cuts for 2010.

County	2008 Cut	%	2009 Cut	%	2010 Estimated Cut	%
Adams	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Asotin/Columbia/Garfield	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Benton/Franklin	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Chelan	\$ -	0.00%	\$ 58,819.00	5.50%	\$ 58,819.00	5.50%
Clallam	\$ -	0.00%	\$ -	0.00%	\$ 22,550.00	1.80%
Clark	\$ -	0.00%	\$ 636,154.00	8.80%	<--- Biennial Bgt	
Cowlitz	\$ -	0.00%	\$ 124,662.00	12.00%	Unknown	Unknown
Douglas	\$ -	0.00%	\$ 7,000.00	2.40%	Unknown	Unknown
Ferry, Stevens, Pend Oreille	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Grant	\$ -	0.00%	\$ -	0.00%	Unknown	Unknown
Grays Harbor	\$ -	0.00%	\$ 95,340.00	6.00%	\$ -	0.00%
Island	\$ -	0.00%	\$ 64,845.00	19.03%	\$ -	0.00%
Jefferson	\$ -	0.00%	\$ 2,343.00	6.40%	Unknown	6.40%
King	\$ -	0.00%	\$ 3,189,925.00	10.40%	\$ 2,500,319.00	8.20%
Kitsap	\$ 119,253.00	4.00%	\$ 188,948.00	6.20%	\$ -	0.00%
Kittitas	\$ -	0.00%	\$ 25,000.00	4.00%	\$ -	0.00%
Klickitat	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Lewis	\$ 22,028.00	1.26%	\$ 361,262.00	20.00%	\$ 65,999.00	4.78%
Lincoln	\$ -	0.00%	\$ -	0.00%	Unknown	Unknown
Mason	Incr. \$8,759	Incr. 1.2%	Incr. \$74,959	Incr. 9.5%	\$ 4,889.00	0.63%
Okanogan	\$ -	0.00%	\$ -	0.00%	Unknown	Unk. 10-20%
Pacific	\$ -	0.00%	\$ -	0.00%	Unknown	10.00%
Pierce	\$ 167,000.00	1.50%	\$ 377,150.00	3.00%	\$ 503,120.00	4.00%
San Juan						
Skagit	\$ 40,454.00	10.00%	\$ 72,024.00	4.00%	Unknown	0.40%
Skamania	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Snohomish	\$ -	0.00%	\$ 1,323,000.00	10.00%	\$ 1,600,000.00	7.50%
Spokane	\$ -	0.00%	\$ 141,700.00	2.00%	\$ 600,000.00	10.00%
Thurston	Incr. \$282,966	Incr. 1.064%	\$ 779,006.00	17.20%	\$ 418,460.00	8.99%
Wahkiakum	0	0.00%	\$ -	0.00%	\$ -	0.00%
Walla Walla	\$ -	0.00%	\$ -	0.00%	\$ -	0.00%
Whatcom	\$ -	0.00%	\$ 268,508.00	5.00%	\$ 297,122.00	5.60%
Whitman	Incr. \$23,478	Incr. 6.3%	\$ 47,878.00	12.10%	Incr. \$3,542	Incr. 1%
Yakima	\$ 281,390.00	9.20%	\$ -	0.00%	\$ 170,000.00	6.00%
<b>*TOTAL CUTS</b>	<b>\$ 630,125.00</b>		<b>\$ 7,763,564.00</b>		<b>\$ 6,241,278.00</b>	

\*Counties with budget increases are not included in the statewide Total Cuts formula.

County	Programmatic cuts over past two years, and anticipated for 2010
Adams	No program cuts and no budget reductions expected for 2010, as we are bare bones now.
Asotin/Columbia/Garfield	Asotin Co is facing a large current expense deficit in 2010, and departments will be asked to reduce expenditures where possible. If the state does not continue funding counties through the Office of Public Defense, we will be forced to reduce expenditures on professional services.
Benton/Franklin	There is some concern our 2010 Adult Drug Court budget will be impacted due to loss of state monies; however, county commissioners and community are very supportive and encouraging at this point. Anticipating no COLAs for 2010.
Chelan	Recess trials on some Friday afternoons in Franklin Co due to prosecutors' and clerks' mandatory furlough (the court is not under the mandatory furlough be we accommodating those who are). Juvenile court has been impacted - juvenile court administrator would have dollar impact data. Law clerk position will go unfilled. Mandatory Arbitration program terminated.
Clallam	As of 8-1-09, \$150 monthly VEBA contribution eliminated indefinitely for all non-represented employees in the county--this includes all employees in our office. Commissioners are requesting the same from represented employees, but must go through the bargaining process.
Clark	None.
Cowlitz	These cuts are for 2009/2010 -- Defer hire of 3rd commissioner for 2 years; reduce family court professional services; eliminate law clerk; pool jurors; increase family court fees; reduce pro tem commissioner use; misc. controllable savings. The cuts most devastating to our court were made in the clerk's office--without clerks the courts cannot operate. On Fridays the court can only operate the family law (1/2 day in the a.m.) and criminal (1 hour in the p.m.) dockets plus one trial. Even if courtrooms and judges are available, court cannot operate.
	The budget line item for hiring court commissioners/judges pro tem was so drastically cut that mandatory settlement conferences were entirely eliminated. MSCs settle 80% of the divorce cases which will now significantly add to the trial backlog. In addition to the one day a week our court commissioners work handling child support cases (IV-D) our budget contains only enough money to hire a cc or jpt for a total of an additional 84 hours for the year! The travel budget cuts allow for only one judge to attend judicial conferences held this year and no travel/training for staff. The clerk's budget has no overtime, so all trials - including jury, end by 4:30 each day. Deliberating jurors are required to return the next day necessitating additional costs to the court which pays the jury fees. The travel budget cuts also eliminated most juror amenities, including meals. Staff must provide most housekeeping duties--vacuuming, emptying garbage, etc.
	Staff salaries were cut 5%.
Douglas	None.
Ferry, Stevens, Pend Oreille	None.
Grant	None.
Grays Harbor	No staff or program cuts, yet.
Island	None.
Jefferson	Work week cut from 40 hours to 37.5 hours. Salary cut was 6.4%
King	Reduce family court services social worker FTEs; reduce Unified Family Court Case Management FTEs; reduce BECCA case management FTEs; reduce court reporters; reduce juvenile court coordinator FTEs; Reduce juvenile probation counselor FTEs; new revenues in ex parte & facilitator program; increased fees in juvenile diversion & family court svcs.

Kitsap	Reduction-in-Force of 1.00 FTE each for Court Reporter, Law Clerk, and Office Assistant II (vacant); Cut .5 FTE Pretrial Services Officer; Eliminate extra help office support (high school intern); reduce \$24,000 drug court administration budget. Reduce \$5,900 judicial library; reduce \$3,500 judicial/admin. training and travel.
Kittitas	2010 Anticipated Cuts: Absorb the cost of merit step increases and increases in health care benefits for all court employees. Note: no additional budget reduction is presently estimated above due to overall impact of prior year reductions.
Klickitat	None.
Lewis	None. No staff cuts; we took indigent defense out of our budget and moved under the control of the county commissioners. For 2010 we are looking a cutting the rate we pay attorney fees for child support contempt and guardianships, and we are counting on reducing jury costs based on position cuts in the prosecutor's office.
Lincoln	None.
Mason	Cut settlement conferences. Reduced court commissioner contract hours.
Okanogan	No cuts in staff or programs. 2010 budget not final, expect commissioners to make 10-20 % cut excluding wages.
Pacific	2010 budget--expect to lose a part-time helper in the court administrator's office who works 40 hours a month. 2010 budget--expect to lose our contract Spanish interpreter. He used to just bill us for his time but 2 years ago he became a contract employee so that he could have medical for him and his wife. I think they'll do away with that contract when it expires and go back to paying him hourly for his services (and he'll lose his medical, unfortunately). We've been told there will be additional cutbacks but we won't know how much or in what form (shorter work weeks possibly) until the budget process is completed in September.
Pierce	Roll back to 7 hours/day for 3 mos in 2009; rollback 4 mos in 2010. County drug court funding reduced; pro tem judge program for civil/domestic cases eliminated; travel cut drastically; extra hire employee use all but eliminated. Vacant position held unfilled; employee furloughs.
San Juan	
Skagit	Chemical dependency hearings; cut and possibly 3rd court reporter position cut.
Skamania	None.
Snohomish	Lost 20 FTEs in the general fund; reduced family court investigators by 2/3rds - 3 FTEs reduced to 1; reduction in drug courts resulting in losing 3 FTEs and reducing number of participants by 50%; Elimination of two complete job classifications at the Denney Juvenile Justice Center resulting in 9 FTEs bumping to lower paid positions and others being laid off accordingly; elimination of one judicial coordinator supervisor; five other positions vacated by retirement and/or voluntary leaves but the positions cannot be filled as this is a hiring freeze in effect. For 2010, either eliminate all drug courts or move to funding from .1% sales tax fund using the supplanting authority recently passed by state legislature.
Spokane	Reduce contracts with attorneys providing truancy and drug court services at juvenile court. Negotiate an extension of furlough program for 2010. Cuts: UA/WA monitoring \$75,000; publications \$20,000; all travel expenses \$15,000; jury costs (various admin costs) \$5,000; mental health co-occurring drug court \$120,000; pro tem commissioner and judge funds \$44,000; operating expenses \$36,000.

Thurston	7.5 positions lost from court operations; jury trial weeks reduced by 6 weeks in 2009; jury trial weeks will continue to be reduced by a minimum of 6 weeks and may be increased up to 10 weeks; 2 positions moved from general fund in 2009 to treatment sales tax fund; pre-trial services moved from district court to superior court fund; 4-person unit with 2 positions funded by treatment sales tax; 2 positions for 2010 depending on grant(s) for funding. Court security hours cut in 2009. The two court buildings are open to the public from 8:00 a.m. to 5:00 p.m. (formerly open from 7:30 to 5:30). Case processing times are trailing--civil trial dates are now being set for 2011.
Wahkiakum	None.
Walla Walla	No increases will be allowed on any budget line items. Usually a 6% increase each year is implemented; possible reduction in juvenile court truancy programs.
Whatcom	All drug court funding moved to mental health tax fund; ceased appointing guardianship and domestic GAL at public expense (except if petitioner indigent in guardianship); capped dependency GAL and attorney contracts (flat rate). Increased walk-in time for facilitators, fewer appointments (increased rates); decreased pro tem commissioner usage (cancel some calendars); capped GAL fees at not-to-exceed w/o court order levels. Will probably implement a parenting coordinator roster (quasi-judicial); will probably assign a single drug court coordinator for adult/juvenile/family drug courts.
Whitman	None.
Yakima	In 2008 we lost 1 office specialist position and .5 court commissioner from the superior court general fund. We placed those positions in the temporary sales tax revenue fund, however that fund is due to expire in 2010. 2008 we eliminated 1.0 paralegal position. 2008 reduced all line items including law books which requires judges share legal resources. Sales tax fund picked up miscellaneous expense such as printing, copies, supplies, and technology costs but that fund expires in 2010. 2009: moved .24 court commissioners and .34 office specialist and moved portions of various line items to sales tax fund which ends in 2010. We are over budget half way through the year. The Commissioners added money for our court costs that we have no control over, but have indicated they cannot do that again in 2010. 2010: The Commissioners expect a 6% budget cut for 2010, but we are hoping it will be reduced at least to a 4 or 5% cut before we have to submit the final budget. We will have to eliminate office staff and/or part-time court commissioners. Our sales tax fund can no longer absorb shortfalls.

## WAJCA Budget Reduction Survey October 15, 2009

The first sheet provides the dollar figures and percentage cuts.

The second sheet details the programmatic cuts reported for the past two years and anticipated cuts for 2010.

**NOTE:** Reductions to grants & pass-through funding (CASA, BECCA, JRA, CTED, etc.) are not included in summary.

County	2008 Cut <sup>1</sup>	% Cut <sup>2</sup>	2009 Cut <sup>1</sup>	% Cut <sup>2</sup>	Anticipate 2010 Cut?	Estimated 2010 Cut <sup>1</sup>	2010 % Cut <sup>2</sup>
Benton-Franklin	\$ -		\$ -		Yes	\$ 535,000	9.5%
Chelan	\$ -		\$ 129,831	4.63%	Yes	\$ 177,503	6.36%
Clallam	\$ -		\$ -		Yes	Unknown	Unknown
Clark	\$1,100,000	6%	\$ 225,000	2%	Yes	Unknown	Unknown
Columbia/Walla Walla	\$ 34,000	5%	\$ 39,000	6%	Yes	64000	10%
Douglas	\$ -		\$ 8,000	5%	Yes	\$ 12,000	5-10%
Grays Harbor	\$ -		\$ 167,373	6%	Yes	\$ 243,000	10%
Island <sup>4</sup>	\$ -		\$ 67,000		Yes	\$ 39,000	5%
Jefferson	\$ -		\$ 63,643	7%	Yes	\$ 40,000	5%
Kitsap	\$ 112,835	1.51%	\$ 245,107	3%	Yes	Unknown	Unknown
King	\$ -		\$ 1,692,584	12.48%	Yes	\$ 117,645	1.1%
Kittitas	\$ -		\$ 5,685	1%	Yes	\$32,995.00	5%
Klickitat	\$ -		\$ 22,841	2.8%	Yes	Unknown	Unknown
Lewis	\$ -		\$ 219,500	7.50%	Yes	\$ 169,029	5.92%
Lincoln	\$ -		\$ 14,000	6%	Yes	Unknown	Unknown
Mason	\$ 11,974	2%	\$ 66,817	6%	Yes	Unknown	Unknown
Okanogan	\$ -		\$ 75,000	5%	Yes	\$ 50,000	3%
Pierce	\$ -		\$ 540,200			\$ 418,420	
San Juan	\$ 15,000	4%	\$ 14,000	4%	Yes	\$ 15,000	4%
Skagit	\$ 24,756	1%	\$ 458,827	16%	Yes	Unknown	Unknown
Skamania	\$ -		\$ -		No	\$ -	0%
Snohomish	\$ -		\$ 677,000	9%	Yes	Unknown	Unknown
Spokane	\$ -		\$ 159,000	2.75%	Yes	\$ 665,471	11.48%
Stevens	\$ -		\$ 29,500	2.83%	Yes	Unknown	Unknown
Thurston	\$ -		\$ 547,974	7.82% <sup>3</sup>	Yes	\$ 79,200	1.16% <sup>3</sup>
Whatcom	\$ -		\$ 450,000	11%	Yes	Unknown	Unknown
Whitman	\$ -		\$ -		Yes	Unknown	Unknown
Yakima	\$ -		\$ 434,447	11.18%	Yes	\$ 272,054	7%

<sup>1</sup> EXCLUDING grants and pass-through funding (meaning CASA, BECCA, etc).

<sup>2</sup> Budget percentage cut as compared to prior year's budget.

<sup>3</sup> This is the reduction percentage of our entire budget. State (including CASA, BECCA, etc.) and County. To separate out the various funds would involve a much larger project. This percentage would change significantly depending on which funds were included or excluded. It would also change if it were not for our absorption of approximately \$200,000 in previously contracted services.

<sup>4</sup> Island County cuts are combined (include superior and juvenile court)

County Name	Types of staff or programmatic cuts made over the past two years, and anticipated staff or programmatic cuts for 2010. Enter N/A if this question does not apply.
Benton-Franklin	We have had program and staff reductions due to state cuts, which is pass through funding from JRA that is not reflected in the dollar amount from the first 3 questions in this survey. In 2009, we lost approximately \$191,000 in state funding for Juvenile Drug Court, CASA, and Reinvesting in Youth. Those resulted in 50% reduction to Juvenile Drug Court, Elimination of one Functional Family Therapy provider contract, and cut to a CASA program coordinator position by 35%. We were notified this week that the counties anticipate a 9.5% budget reduction, approximately 10 positions.
Chelan	Eliminated one probation counselor FTE, one secretary FTE, and one custody officer FTE. Reduced spending on extra help and OT in detention, reduced some travel and training and detention food costs. May need to eliminate more staff FTEs, may reduce CJAA (ART) program. I calculated our cuts by subtracting our current year budget from last year's budget.
Clallam	Although our budget has increased in 2008 and 2009, we are anticipating a loss of at least 1 FTE in 2010. Even with this reduction (-\$60,000) our budget increased by \$5,000; major increases are COLAs, step raises, and benefits.
Clark	In our first 6% reduction (Dec. 2008), we eliminated all travel, training, tracker/mentor services, purchase of service dollars for counseling, and other intervention services. In 2009, we eliminated two detention officer positions and eliminated \$50,000 in youth services from our mental health program. We currently have six vacant positions; in detention, clerical, and probation services. In light of the current county/state budget reductions, we are keeping these positions open. Pat Escamilla
Columbia/Walla Walla	Loss of one detention officer; youth work crew hours reduced by 50%, ER&R fund suspension, loss of all carry-over operating reserve.
Douglas	N/A over the last two years. Anticipate less counseling, treatment, and education for youth and less contact by probation staff with youth, counselors, schools, parents, etc.
Grays Harbor	2009 Cuts: Cut deputy director of detention position (layoff). det probation manager position, cut diagnostic coordinator position, lost 4 detention officers - Commissioners will not give permission to fill positions and slots are being filled by relief staff. Have not made final decisions regarding possible cuts for 2010 budget.
Jefferson	Lost 1 full time probation counselor. All staff hours cut (8 days furlough), administrator salary cut (6.4%), non-wage cuts in service expenditures.
Kitsap	2008: 1.5 court services officer reduction. 2009: Closure of Secure Crisis Residential Center, two detention officer positions frozen, on-going efforts to minimize OT in detention, furloughs for court services officers, management team, and administrative staff. ART training brought in house with corresponding reduction to professional services budget. 2010: TBD exact amount of reductions. At this point, known reductions include two court services officers, one administrative staff position, another detention officer position, and frozen and significant reductions in professional services budget.
Kittitas	Receptionist position to support sole clerical staff.
Klickitat	Reductions in travel and training budgets...no actual or anticipated staff cuts at present.
Lewis	Elimination of community monitor position in 2009, furloughs or layoffs in 2009. Elimination of additional community monitor position in 2010. Elimination of supervisor positions in Detention - layoff of 2 detention staff in 2010
Lincoln	Reduction in staff hours, reduction in professional services funding, reduction in travel and office supplies.
Mason	In 2008, Mason County changed the payroll schedule from monthly to every two weeks. This was reflected in the budget. Had this not occurred there would have been budget cuts in 2008. Staff hours have been reduced for 2009 along with some services. The 2010 budget has not been settled, therefore 2010 cuts are unknown.
Okanogan	1 CD Counselor, 10% reduction in administrative/management staff, all travel and training cut. Anticipated 1 probation officer.
Pierce	
San Juan	Loss of M&O plus Detention funding...several Budget Team proposals for 20% reduction of probation staff but was not supported by County Council until this budget session...tk

Skagit	For 2008-2009: 7 staff positions, \$124,000 in contract services, \$30,000 in PT staff, \$43,750 in other costs (supplies, travel, rentals, telephone, etc.). 2010 cuts are unknown.
Skamania	N/A
Snohomish	For 2009: Cut 5 detention supervisors, cut 3 juvenile services assistants, cut 1 juvenile community corrections officer. For 2010: Unknown.
Spokane	5 juvenile corrections officers, 1 shift supervisor, 2 dependency probation officers, 2 supervision probation officers, 1 EM probation officer, .50 detention nurse, .50 dependency attorney, .50 office assistant in dependency, 75% dependency unit supervisor, \$105,000 reduction in youth program dollars, LLS funds, EM equipment loss, \$86,000 reduction in M/O
Stevens	Over last 2 years changed ART class presentation to one contract provider and some 'in-house' providers; reduced/eliminated overtime; reduced a 1.0FTE position to 0.5FTE position. 2010 is unknown.
Thurston	Work crews. Detention programming, such as life skills, domestic violence, anger management. Transportation for outlying areas. Court administrative support. Absorbed previously contracted services. Detention supervisor position. Detention extra-help funds (approximately 4 FTEs).
Whatcom	Elimination of several contracts for services. Hiring freeze has resulted in 6.5 FTE positions going unfilled.
Whitman	
Yakima	In 2008, although our budget was not technically "cut," with increases in fixed costs and annual raises, programming was cut to absorb the shortfalls. In 2009, our allocation was more than our 2008; however, we had a large COLA increase in January 2008, so with that and the budget cut, we were forced to close our recently implemented Graffiti pod program. We lost 8 positions from general fund dollars, and we reduced programs provided with public funds not covered by grant dollars. Because all open positions were already cut in 2009, our 2010 year will lead to immediate layoffs. Although our 2010 budget is not final, we are anticipating a minimum 7% cut and it could grow to as much as 10%.

## District and Municipal Court Budget Reduction Survey

Out of approximately 168 district and municipal courts in Washington, 104 courts participated in this survey. An additional 22 responses were received; however, they were either duplicative or incomplete.

The Full Data document includes court-specific information along with brief descriptions of the programmatic changes made because of budget cuts.

The Comparison Charts document provides tabulation of court responses, average budget cut calculations based on courts that provided dollar figures, and graphic representations of the tallies. Court names are not included in this document.

It's important to note that budget cuts reported for 2010 are *estimates*.

**District and Municipal Court Budget Reduction Survey**  
**Full Data from 104 Courts**  
**January 6, 2010**

The first table provides dollar figures and percentage cuts.

The second table identifies budgets that include additional costs, such as prosecutor expenses and probation services.

The last table details the programmatic cuts reported for the past two years and anticipated for 2010.

Court Name	Ct Level	2008 \$ Cut	2008 % Cut	2009 \$ Cut	2009 % Cut	2010 Cut?	Anticipated 2010 \$ Cut	2010 % Cut
Airway Heights M	MC	\$ -		\$ -		No	\$ -	
Anacortes M	MC	\$ -		\$ -		No	\$ -	
Asotin County D	Comb. D/M	\$ -		\$ -		No	\$ -	
Bellingham M	MC	\$ -		\$ -		Yes	\$ 138,200	10%
Benton D	DC	\$ -		\$ -		Yes	\$ 133,584	4.5%
Bonney Lake M	MC	\$ -		\$ 74,336	0.9%	Yes	\$ 22,092	1.03%
Bothell M	MC	\$ -		\$ 7,500	3%	Yes	Unknown	Unknown
Bremerton M	MC	\$ -		\$ 210,361	6%	Yes	Unknown	Unknown
Burlington M	MC	\$ -		\$ 43,079	8%	Yes	\$ 14,110	0.86%
Centralia M	MC	\$ -		\$ -		No	\$ -	
Chehalis M	MC	\$ -		\$ -		No	\$ -	
Chelan D	DC	\$ 133,863	9%	\$ 78,852	5.5%	Yes	\$ 133,863	8.5%
Cheney M	MC	\$ -		\$ -		No	\$ -	
Clallam D I	Comb. D/M	\$ -		\$ 24,000	3%	Yes	Unknown	Unknown
Clallam D II	DC	\$ -		\$ -		Yes	\$ 6,821	0.02%
Clark D	DC	\$ -		\$ 400,000	10%	Yes	\$ 200	5%
College Place M	MC	\$ -		\$ -		No	\$ -	
Columbia D	Comb. D/M	\$ -		\$ 21,473	11%	Yes	\$ 18,873	9%
Connell M	MC	\$ -		\$ -		No	\$ -	
Cowlitz County	Comb. D/M	\$ -		\$ 42,981	varies	No	\$ -	
Cowlitz County	Comb. D/M	\$ -		\$ 180,000	10%	Yes	Unknown	Unknown
Deer Park M	MC	\$ -		\$ -		No	\$ -	
Des Moines M	MC	\$ -		\$ -		No	\$ -	
Douglas D	DC	\$ -		\$ 27,404	5%	Yes	Unknown	Unknown
East Klickitat D	DC	\$ -		\$ 1,500	>1%	No	\$ -	
East Klickitat D	Comb. D/M	\$ -		\$ 3,500	Unknown	No	\$ -	
East Wenatchee M	MC	\$ -		\$ -		No	\$ -	
East Wenatchee M	MC	\$ -		\$ -		No	\$ -	
Edmonds M	MC	\$ -		\$ 12,546	2.2%	No	\$ -	
Electric City M	MC	\$ -		\$ -		No	\$ -	
Elma M	MC	\$ -		\$ -		No	\$ -	
Everett M	MC	\$ -		\$ -		No	\$ -	
Federal Way M	MC	\$ -		\$ 45,430	3%	Yes	Unknown	Unknown
Ferry D	DC	\$ -		\$ 37,700	1 FTE	Yes	\$ 37,700	1 FTE
Fife M	MC	\$ -		\$ -		Yes	Unknown	Unknown
Fircrest M	MC	\$ -		\$ -		Yes	\$ 17,000	0.07%
Franklin D	DC	\$ -		\$ 22,000	3.3%	Yes	\$ 108,000	9.25%
Granger M	MC	\$ -		\$ -		Yes	Unknown	10%
Grant D	DC	\$ -		\$ 59,600	3%	No	0	
Grays Harbor D	DC	\$ -		\$ 126,558	7.8%	Yes	\$ 83,827	5.6%
Hogiam M	MC	\$ -		\$ -		No	\$ -	
Island D	Comb. D/M	\$ -		\$ 40,435	3.46%	Yes	\$ 79,592	7.44%
Issaquah M	MC	\$ -		\$ -		Yes	\$ 118,000	5%

Court Name	Ct Level	2008 \$ Cut	2008 % Cut	2009 \$ Cut	2009 % Cut	2010 Cut?	Anticipated 2010 \$ Cut	2010 % Cut
Jefferson D	Comb. D/M	\$ 65,943	9%	\$ -		Yes	\$ 5,945	1%
Kent M	MC	\$ -		\$ 30,449	1.25%	Yes	\$ 68,000	2.82%
King D	DC	\$ -		\$ 634	>1%	No	\$ -	
Kirkland M	MC	\$ -		\$ 19,430	1.2%	Yes	\$ 55,089	3.3%
Lake Forest Park M	MC	\$ -		\$ 5,000	5%	No	\$ -	
Lakewood M	MC	\$ -		\$ -		No	\$ -	
Lewis D	DC	\$ -		\$ 49,000	>1%	Yes	\$ 10,000	>1%
Lincoln County D	DC	\$ -		\$ 40,000	12%	No	\$ -	
Lower Kittitas D	DC	\$ -		\$ 78,000	Unknown	No	\$ -	
Lynden M	MC	\$ -		\$ -		Yes	Unknown	Unknown
Lynnwood M	MC	\$ -		\$ 89,614	>10%	Yes	\$ 39,000	1.5%
Marysville M	MC	\$ -		\$ 20,000	2.4%	Yes	Unknown	Unknown
Mason D	DC	\$ -		\$ -		Yes	\$ 17,555	2.5%
McCleary M	MC	\$ -		\$ -		No	\$ -	
Mercer Island M	MC	\$ -		\$ -		No	\$ -	
Milton M	MC	\$ -		\$ -		No	\$ -	
Montesano M	MC	\$ -		\$ -		Yes	\$ 24,000	15%
Mount Vernon M	MC	\$ -		\$ 15,000	3%	Yes	Unknown	Unknown
Moxee M	MC	\$ -		\$ -		No	\$ -	
North Bonneville M	MC	\$ -		\$ -		No	\$ -	
North Pacific D	DC	\$ -		\$ -		No	\$ -	
Okanogan D	DC	\$ -		\$ 12,840	1.5%	Yes	\$ 108,609	12%
Othello D	DC	\$ -		\$ -		No	\$ -	
Pend Oreille D	DC	\$ -		\$ -		Yes	\$ 500	0.05%
Pierce D	DC	\$ 50,000	0.045%	\$ 623,820	5%	Yes	\$ 360,340	2.8%
Port Orchard M	MC	\$ -		\$ 12,799	5%	Yes	\$ 13,000	5%
Poulsbo M	MC	\$ -		\$ -		Yes	\$ 1,678	0.05%
Puyallup M	MC	\$ -		\$ -		No	\$ -	
Renton M	MC	\$ -		\$ 78,000	6%	Yes	\$ 50,000	4.1%
Ritzville D	DC	\$ 36,960	30%	\$ -		Yes	\$ 23,675	10%
Roy M	MC	\$ -		\$ 13,387	20%	Yes	\$ 4,502	8.5%
San Juan D	DC	\$ -		\$ 20,000	3%	Yes	\$ 38,600	6%
SeaTac M	MC	\$ -		\$ -		Yes	Unknown	Unknown
Seattle M	MC	\$ -		\$ 1,575,500	6%	Yes	\$ 1,238,500	4.5%
Selah M	MC	\$ -		\$ -		No	\$ -	
Shelton M	MC	\$ 7,871	2%	\$ 9,558	3%	Yes	Unknown	Unknown
South Bend, Raymond, Long Beach M	MC	\$ -		\$ -		No	\$ -	
South Pacific D	DC	\$ -		\$ -		Yes	\$ 55,000	8%
Spokane D	DC	\$ 454,000	10%	\$ 210,000	5%	Yes	Unknown	Unknown
Spokane M	MC	\$ -		\$ -		Yes	\$ 18,900	4%
Stevens County	Comb. D/M	\$ -		\$ 159,560	20%	Yes	\$ 79,774	13.25%
Stevenson M	MC	\$ -		\$ -		No	\$ -	
Sumner M	MC	\$ -		\$ -		Yes	Unknown	Unknown
Sunnyside M	MC	\$ -		\$ -		No	\$ -	
Tacoma M	MC	\$ 95,000	1.2%	\$ 95,000	1.2%	No	\$ -	
Toppenish M	MC	\$ -		\$ -		No	\$ -	
Toppenish M	MC	\$ -		\$ -		Yes	Unknown	Unknown
Tukwila M	MC	\$ -		\$ 31,437	2.73%	Yes	\$ 35,674	3%
Tumwater M	MC	\$ -		\$ 32,358	28%	Yes	\$ 971	1%
Wahkiakum D	DC	\$ 9,000	8%	\$ 18,004	7%	No	\$ -	
Walla Walla D	Comb. D/M	\$ -		\$ -		No	\$ -	
Wapato M	MC	\$ 10,000	5%	\$ 10,000	5%	Yes	Unknown	Unknown

Court Name	Ct Level	2008 \$ Cut	2008 % Cut	2009 \$ Cut	2009 % Cut	2010 Cut?	Anticipated 2010 \$ Cut	2010 % Cut
West Klickitat D	Comb. D/M	\$ -		\$ -		No	\$ -	
Westport M	MC	\$ -		\$ 12,000	5%	Yes	\$ 12,000	5%
Whatcom D	DC	\$ -		\$ 178,163	9%	Yes	\$ 16,000	1%
Whitman D	DC	\$ -		\$ -		Yes	\$ 10,000	1%
Winlock M	MC	\$ -		\$ -		No	\$ -	
Yakima D	DC	\$ -		\$ 158,285	7.2%	Yes	\$ 133,574	5.9%
Yakima M	MC	\$ -		\$ 26,000	2%	Yes	\$ 58,300	4.4%
Yelm M	MC	\$ -		\$ -		No	\$ -	
Zillah M	MC	\$ -		\$ -		No	\$ -	
<b>Total of Cuts REPORTED</b>		<b>\$862,637</b>		<b>\$ 5,083,093</b>			<b>\$3,391,048</b>	

DMCJA\Surveys\Budget Reduction\DMCJA budget survey 2010-full data.xlsx

**Does your "court budget" include any of the following line items?**

<b>Court Name</b>	<b>Ct Level</b>	<b>Jail Costs</b>	<b>Prosecutor Expenses</b>	<b>Defense Services</b>	<b>Probation Services</b>	<b>Other expenses not related to court functions</b>	<b>None of these items</b>
Airway Heights M	MC	yes	yes	yes	yes	yes	
Anacortes M	MC				yes		
Asotin County D	Comb. D/M						X
Bellingham M	MC			yes	yes		
Benton D	DC						X
Bonney Lake M	MC						X
Bothell M	MC						X
Bremerton M	MC			yes	yes	yes	
Burlington M	MC				yes		
Centralia M	MC			yes			
Chehalis M	MC			yes	yes		
Chelan D	DC				yes		
Cheney M	MC				yes		
Clallam D I	Comb. D/M						X
Clallam D II	DC				yes	yes	
Clark D	DC						X
College Place M	MC			yes	yes	yes	
Columbia D	Comb. D/M						X
Connell M	MC						X
Cowlitz County	Comb. D/M						X
Cowlitz County	Comb. D/M						X
Deer Park M	MC	yes	yes	yes			
Des Moines M	MC						X
Douglas D	DC					yes	
East Klickitat D	DC						X
East Klickitat D	Comb. D/M						X
East Wenatchee M	MC			yes			
East Wenatchee M	MC			yes			
Edmonds M	MC				yes		
Electric City M	MC						X
Elma M	MC					yes	
Everett M	MC				yes		
Federal Way M	MC						X
Ferry D	DC			yes			
Fife M	MC				yes		
Fircrest M	MC						X
Franklin D	DC				yes		
Granger M	MC		yes	yes			
Grant D	DC				yes		
Grays Harbor D	DC			yes	yes		
Hoquiam M	MC			yes			
Island D	Comb. D/M				yes		
Issaquah M	MC						X
Jefferson D	Comb. D/M			yes	yes		
Kent M	MC				yes		
King D	DC				yes		
Kirkland M	MC				yes		
Lake Forest Park M	MC				yes		
Lakewood M	MC			yes	yes	yes	
Lewis D	DC				yes		
Lincoln County D	DC				yes		
Lower Kittitas D	DC			yes			

Court Name	Ct Level	Jail Costs	Prosecutor Expenses	Defense Services	Probation Services	Other expenses not related to court functions	None of these items
Lynden M	MC	yes	yes	yes	yes		
Lynnwood M	MC				yes		
Marysville M	MC				yes		
Mason D	DC						X
McCleary M	MC						X
Mercer Island M	MC						X
Milton M	MC						X
Montesano M	MC		yes	yes			
Mount Vernon M	MC			yes	yes		
Moxee M	MC	yes	yes			yes	
North Bonneville M	MC						X
North Pacific D	DC						X
Okanogan D	DC						X
Othello D	DC						X
Pend Oreille D	DC				yes		
Pierce D	DC				yes		
Port Orchard M	MC			yes			
Poulsbo M	MC						X
Puyallup M	MC				yes		
Renton M	MC				yes		
Ritzville D	DC					yes	
Roy M	MC			yes		yes	
San Juan D	DC			yes	yes	yes	
SeaTac M	MC			yes	yes	yes	
Seattle M	MC				yes		
Selah M	MC						X
Shelton M	MC					yes	
South Bend, Raymond, Long Beach M	MC		yes	yes			
South Pacific D	DC						X
Spokane D	DC				yes		
Spokane M	MC						X
Stevens County	Comb. D/M				yes	yes	
Stevenson M	MC		yes	yes	yes	yes	
Sumner M	MC			yes			
Sunnyside M	MC			yes			
Tacoma M	MC						X
Toppenish M	MC			yes			
Toppenish M	MC			yes			
Tukwila M	MC			yes			
Tumwater M	MC			yes			
Wahkiakum D	DC			yes	yes		
Walla Walla D	Comb. D/M				yes		
Wapato M	MC		yes	yes		yes	
West Klickitat D	Comb. D/M						X
Westport M	MC	yes					
Whatcom D	DC						X
Whitman D	DC			yes	yes		
Winlock M	MC			yes			
Yakima D	DC					yes	
Yakima M	MC						X
Yelm M	MC			yes			
Zillah M	MC		yes	yes			

Please list the types of staff or programmatic cuts made over the past two years, and anticipated staff or programmatic cuts for 2010. Enter N/A if this question does not apply.

Response Count

100

Court Name	Cut Descriptions
Airway Heights M	N/A
Anacortes M	N/A
Asotin County D	We have instituted a number of electronic changes that have put us down the list on budget cuts. Hopefully we will avoid position cuts. We will probably face cuts as to supplies and equipment.
Bellingham M	Reduction of 2.0 FTE's. Cancel Law Day Programs. Reduction in training and travel budget.
Benton D	\$27,645 part time clerk position, \$75,000 pro tem (commissioners eliminated the entire amount budgeted in past years), \$4,000 overtime, \$3,000 training, \$4,300 supplies, \$300 judicial robes, \$200 UPS service, \$1,000 telephone, \$854 office equipment, \$2,000 witness fees, \$300 immunizations, and \$3,588 FICA/retirement.
Bonney Lake M	Six furlough days for union & 12 days non-represented, reduction in education, supplies, pro tem, equipment and operations.
Bothell M	N/A
Bremerton M	N/A
Burlington M	One clerk may be made part time.
Centralia M	N/A
Chehalis M	N/A
Chelan D	We have laid off staff. This has resulted in less accessibility to the public by reducing telephone hours and office hours, as well as lessening the court's ability to offer community service hours. As of 1/1/10, we will have 1.5 fewer staff. We cut 1/2 position in 2009 and will cut a full-time position for 2010.
Cheney M	N/A
Clallam D I	No staff or program cuts so far. We anticipate staff cuts if additional reductions are made in 2010 or 2011.
Clallam D II	N/A
Clark D	Lay off 6 clerical staff.
College Place M	N/A
Columbia D	Cut compliance position-absorbed by remaining staff; cut amounts on all budget lines.
Connell M	N/A
Cowlitz County	We lost 2.5 staff as of January 1, 2009. At that same time, we filled a new judicial position. In May of 2009, all employees were required to take a 5% pay cut. At that same time we transferred funds from the Trial Court Improvement account to stop an addition position being eliminated. We have not made actual program cuts at this point. We are continually doing more work with less resources. There may be cuts in 2010 - the budget is not final yet. If there are staff cuts we may be forced to cut programs.
Deer Park M	N/A
Des Moines M	N/A
Douglas D	Staff time and operating expenses.
East Klickitat D	N/A
East Wenatchee M	N/A
Edmonds M	The part-time clerk was cut in 2009.
Electric City M	N/A
Elma M	N/A
Everett M	N/A
Federal Way M	The only major cut for the court in 2009/2010 was to freeze a vacant court clerk 1.0 FTE. Further cuts are anticipated for 2010, but at this time it is unknown.
Ferry D	Have lost one fulltime position; other employees hours cut until no benefits to employees. No extra for short fall. Budget cut to bare bones.
Fife M	N/A
Fircrest M	N/A

Court Name	Cut Descriptions
Franklin D	Lost 2 fulltime positions but no programs; we anticipate no more cuts for 2010.
Granger M	Shave 10% all around.
Grant D	We lost 2.4 employees in 2009. They have not been replaced in the 2010 budget. We have reduced hours open to the public an hour a day. Our civil department closed two and a half hours a day to the public. In 2009, our court security budget was reduced but reinstated in 2010.
Grays Harbor D	1/1/2009: laid off 1 fulltime court staff, reducing court clerk staff from 10 to 9. 5/1/2009: staff furloughs instituted, with 8 court clerk staff at 90% of full time, 1 at 80% of full time. Probation staff of 3 full time reduced to 3 at 80%. Furloughs resulted in "partial" office closures at least 2 days per month. Probation closed 4 days per month. 1/1/2010: Court clerk staff furloughs: 3 at 80% full time, 4 at 90% full time, 2 at 95% full time. Court office will be open with only 1 clerk in attendance every Friday in 2010. Two court office locations will be consolidated into one location. Probation staff of 3 at 75% of full time. Probation office closed every Friday in 2010, plus other days as necessary.
Hoguiam M	N/A
Island D	Staff reduced over the past two years includes one court clerk (one of eight) and probation department director. Anticipated staff and programmatic cuts include remaining two probation officers and the probation department (except for one clerk position to monitor DP compliance).
Issaquah M	We were given a probation officer position in 2009 and never allowed to hire for that position. That has been cut for 2010.
Jefferson D	2009: we lost a probation officer and were only allowed to fill that with an assistant. We only have one fulltime probation officer with back up from court administrator. Effective 5/1/09, the county passed a resolution that cut everyone 6.7% through 12/31/09, which resulted in mandatory furlough. This resulted in our office no longer taking passports. We then lost a clerk on 8/1/09, which we could not replace, this made the office extremely short staffed, while filings were increasing. In 2010 we get back a 1/2 clerk position and are still down a probation officer. The furloughs will be lifted, and staff will be back to a 40-hour work week.
Kent M	Our staff took 40 hours furlough for 2009 and again in 2010, travel and education budget was reduced, and 1 fulltime employee/position was eliminated for 2010.
King D	In 2009, 80% of the staff were furloughed for 10 days. Hiring freeze. Positions left vacant.
Kirkland M	We will have to climate hourly employees. This consists of on-call probation officer and file clerks. Also, the staff is being asked to implement furloughs of approximately 16-24 hours.
Lake Forest Park M	N/A
Lakewood M	Our overall budget did not experience cuts due to changes in Security and Alternative Sentencing. Functions and transfers from other departments.
Lewis D	Loss of one fulltime clerk position for 2010, unpaid four-day furloughs for all staff in 2009, lay off of temporary probation officer, and additional help part-time clerk for 2 months in 2009.
Lincoln County D	Lost one clerk (1/3rd of clerks) fulltime in 2009. Hope not to lose more in 2010.
Lower Kittitas D	N/A
Lynden M	N/A
Lynnwood M	We, with the police department, reduced costs of incarceration by offering alternatives to jail. Jail costs have been cut in half. Savings equal to over \$2,000,000. We increased staff to cover new programs such as photo enforcement speeding in school zones. So we didn't have to cut, though we are looking at the 1.5% for 2010. We also have a biennial budget so year by year is more difficult to compute.
Marysville M	Probation case management system, probation staff, and bailiff hours reduced.
Mason D	N/A
McCleary M	N/A
Mercer Island M	N/A
Milton M	N/A
Montesano M	Part time clerk is cut back by 4 hours per week.
Mount Vernon M	Reduction in staffing level in 2007--1 FTE not replaced. Furlough days and early closures will result in less hours to "get the job done" and reductions in pay for the furlough days and early closures.
Moxee M	N/A
North Bonneville M	N/A

Court Name	Cut Descriptions
North Pacific D	We were only cut in our operating costs. We are already bare bones when it comes to staffing. We asked for another fulltime employee for 2010, but they left that position at the .8 FTE which is the same as it was in 2009.
Okanogan D	Loss of 1 fulltime legal process assistant, reduction in medical benefits/premiums (high deductible plan)*, potential furlough day*, cuts to non salary operating budget to extremely low amounts in the following categories: equipment, supplies, postage (returning postage meter-will share with other departments), travel, printing, and jury/witness fees. *Union staff agreed to change in medical plan and to potential furlough day to save the loss of an additional staff. If we can keep to our extremely low budget in the above categories, the furlough day may not be necessary.
Othello D	N/A
Pend Oreille D	No staff cuts have been made. Our total supply budget has been reduced by \$500.
Pierce D	As of 2010, the court would have lost 10.5 positions.
Port Orchard M	Training - greatly reduced. Court Forms reduction. Shredder Services reduction. Copy Procedures - change - increased workload. Annual Report - cancelled.
Poulsbo M	N/A
Puyallup M	We have been advised that due to short-falls in the city's 2009 budget and a projected greater short-fall in 2010, we may see "hold-backs" in our budget requests. Our request for a permanent front counter staff person was placed on hold pending the what happens in 2010.
Renton M	Probation, travel & education, supplies, maintenance, and temporary help cuts.
Ritzville D	Denied request for increase in judicial salary to reflect AOC FTE position needs. If legislature passes requiring local administrative authority to follow AOC estimates, we have been threatened with staff cuts to compensate for difference.
Roy M	Court clerk admin hours were reduced from 40 to 32 hours per week. Judicial postage, services, telephone, supplies, and small equipment were all reduced.
San Juan D	Juror fees, bailiff, pro tem expenses, witness fees, overtime, all travel (inside & outside county), conference fees, subscriptions & publications, postage, and mental health evaluations for indigent
SeaTac M	N/A
Seattle M	In the 2009 budget, the Seattle Municipal Court (SMC) eliminated \$415,000 budget amount for four positions and held other positions vacant impacting service level. The four positions were a cashier, a revenue recovery administrative specialist, a call center administrative specialist, and a court operations administrative specialist. Contracts with community agencies assisting the Court's Re-Licensing program were ended saving \$92,000. There were other administrative line item reductions totaling \$73,000. The Court decided to change the electronic home monitoring (EHM) program and worked with the contractor to turn it into self subsidized program by offenders who could afford to pay higher monitoring fees. This change saved \$475,000 in non-court budget costs, as these expenses were paid for by the city. The court also took additional mid-year reductions during 2009. SMC cut \$137,500 in administrative line items such as travel/training, equipment, and contract services. Positions were eliminated or reduced to half-time saving \$291,000. There was another \$92,000 in saving from a 4.5 % COLA pay cut among directors and magistrates, a 5-day unpaid furloughs among managers, and reduced pro-tem usage among judges. For 2010, the majority of court employees will participate in a 10-day unpaid furloughs saving SMC about \$476,800. Five management/supervisor level positions have been eliminated saving approximately \$426,000. They include a Court Operations Manager, a Probation Manager, a Revenue Recovery Compliance Manager, a Probation Administrative Supervisor, and a Supervising Marshal. Six positions have been eliminated impacting service level in the court's re-licensing program, court resource center, court operations, and court security, saving about \$335,700. The SMC has passed on a \$1 transaction fee to customers who pay their fines via Internet using credit or debit cards.
Selah M	N/A
Shelton M	We had a contract for a "Transport Officer;" that duty was shifted to the Police Department. I am not sure what the 2010 cuts will be. So far, none of our programs or staff have been cut for 2010.
South Bend, Raymond, Long Beach M	N/A
South Pacific D	Losing one FTE deputy clerk position.

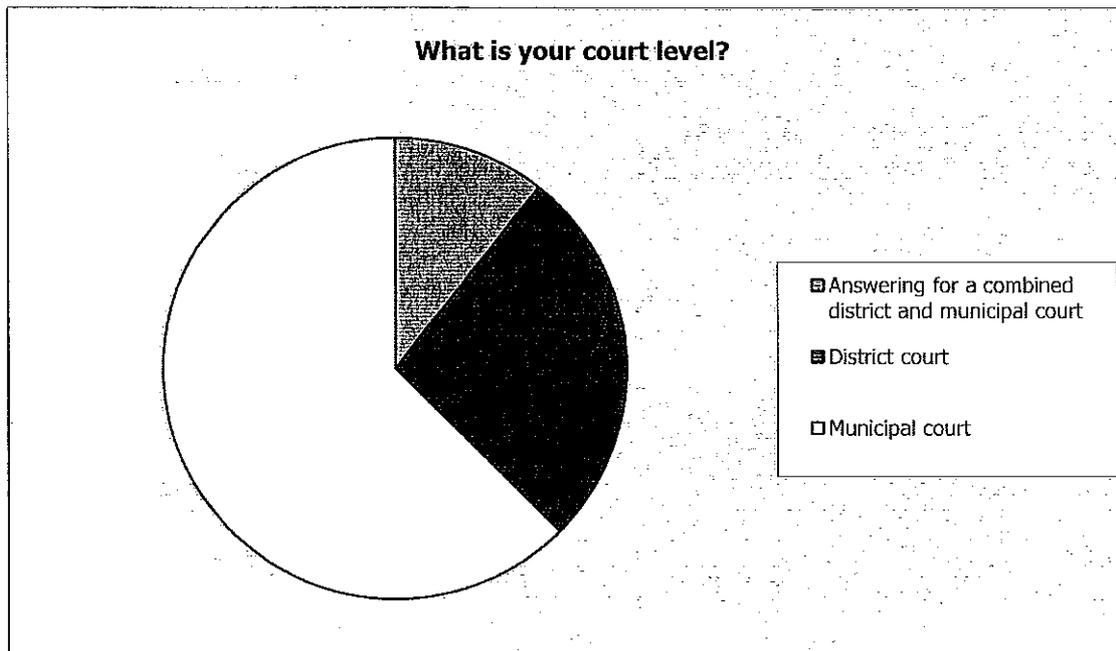
Court Name	Cut Descriptions
Spokane D	Lost all five Court Commissioners, 2.5 Secretaries, 2 Judicial Assistants (bailiffs), 8 clerks, 1/2 Court Administrator's position, one probation officer, and 1/2 M&O.
Spokane M	N/A
Stevens County	1. Eliminated 1.5 FTE Probation Staff (2009) 2. Court staff is now monitoring some cases for compliance (2009). 3. Will need to furlough every employee for approximately 44 days out of the year for 2010 4. Cut hours for Court Commissioner.
Stevenson M	N/A - yet!
Sumner M	Mandatory furloughs.
Sunnyside M	N/A
Tacoma M	Reduce budget for overtime. Transfer funding of part-time staff position to TCIA funds. Eliminate out-of-state travel. Reduce subscription purchases. Reduce capital equipment purchases. Hold vacant position open longer.
Toppenish M	N/A
Toppenish M	Reduction due to payment of the court administrator out of a law and justice tax distribution.
Tukwila M	N/A
Tumwater M	Reduction in staffing by .5 FTE in 2009, continuing in 2010. Other costs remain constant.
Wahkiakum D	Extra help, probation services, equipment, professional fees.
Walla Walla D	N/A
Wapato M	Judges salary has been reduced by \$900 per month. DV victim program has been cut.
West Klickitat D	N/A
Westport M	N/A
Whatcom D	Possible reduction in office hours open to the public.
Whitman D	No staff or program cuts. Majority of reduction is due to reduction in retirement contributions and overtime.
Winlock M	N/A
Yakima D	2009 Cuts: 3.5 clerical staff. 2010: 1 DC Manager, 1 Office Support Tech. We also have 3/10ths Sales Tax Fund that is way under sales projections, so we are losing 2 clerical staff in that fund as well.
Yakima M	Had to lay off one FTE (cashier position) and professional services, postage, and travel/transportation reductions.
Yelm M	N/A
Zillah M	N/A

# District and Municipal Court Budget Reduction Survey Comparison Charts January 6, 2010

There are approximately 168 district and municipal courts in Washington State, and 104 courts participated in this survey.

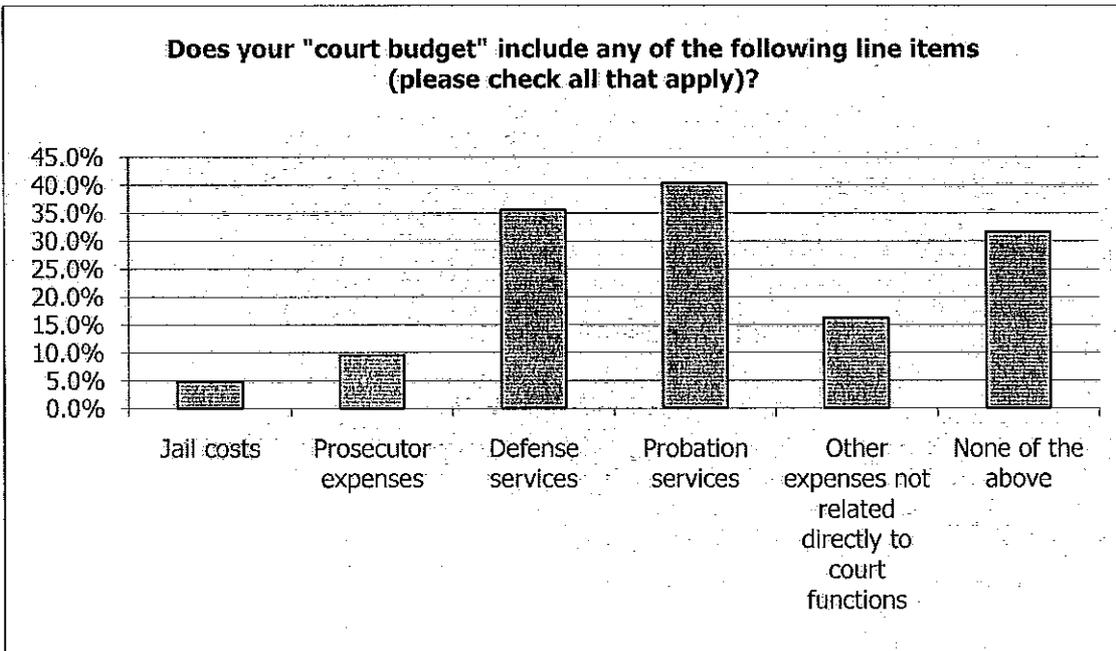
## What is your court level?

Answer Options	Response Percent	Response Count
Answering for a combined district and municipal court	10.6%	11
District court	26.9%	28
Municipal court	62.5%	65
<b>Answered question</b>		<b>104</b>
<b>Skipped question</b>		<b>0</b>



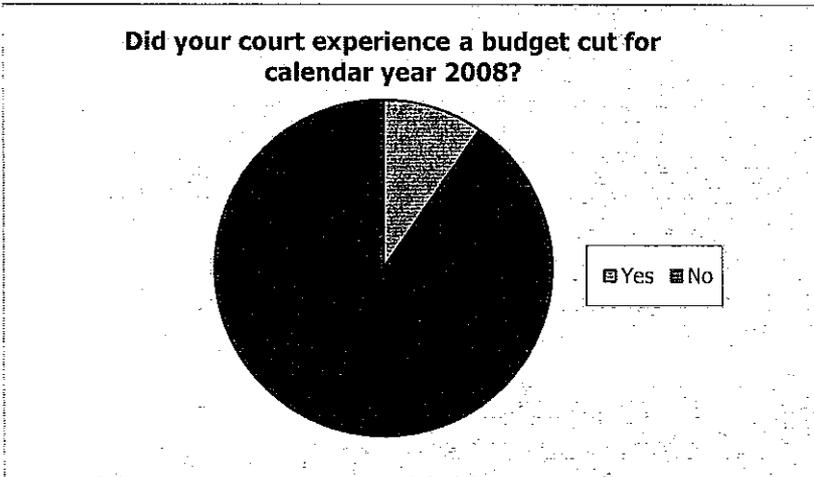
**Does your "court budget" include any of the following line items?  
Select ALL that apply.**

<b>Answer Options</b>	<b>Response Percent</b>	<b>Response Count</b>
Jail costs	4.8%	5
Prosecutor expenses	9.6%	10
Defense services	35.6%	37
Probation services	40.4%	42
Other expenses not related directly to court functions	16.3%	17
None of the above	31.7%	33
<b>Answered question</b>		<b>104</b>
<b>Skipped question</b>		<b>0</b>



**Did your court experience a budget cut for calendar year 2008?**

Answer Options	Response Percent	Response Count
Yes	9.6%	10
No	90.4%	94
<b>Answered question</b>		<b>104</b>
<b>Skipped question</b>		<b>0</b>



**Enter the total dollar 2008 budget reduction for your court.**

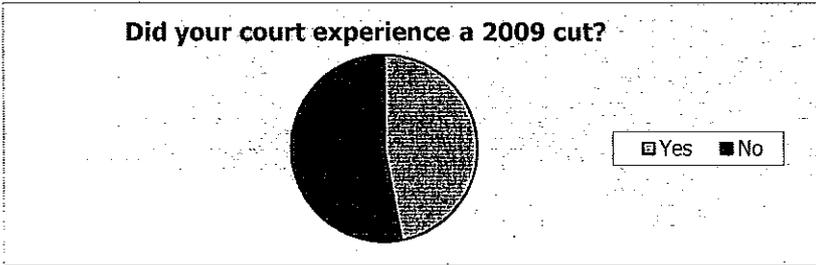
Answer Options	Average Cut*	Response Total	Response Count
2008 Cuts	\$ 95,849	\$ 862,637	9
		<b>answered question</b>	<b>9</b>
		<b>skipped question</b>	<b>94</b>

Courts Reporting	cut \$
1	\$ 133,863
2	\$ 65,943
3	\$ 36,960
4	\$ 95,000
5	\$ 454,000
6	\$ 10,000
7	\$ 50,000
8	\$ 7,871
9	\$ 9,000
<b>TOTAL</b>	<b>\$ 862,637</b>

\*One court said "yes" to a 2008 cut, but did not provide dollar figures, so it is not included in the average cut calculation.

**Did your court experience a budget cut for calendar year 2009?**

Answer Options	Percent	Response Count
Yes	47.1%	49
No	52.9%	55
<b>Answered question</b>		<b>104</b>
<b>Skipped question</b>		<b>0</b>



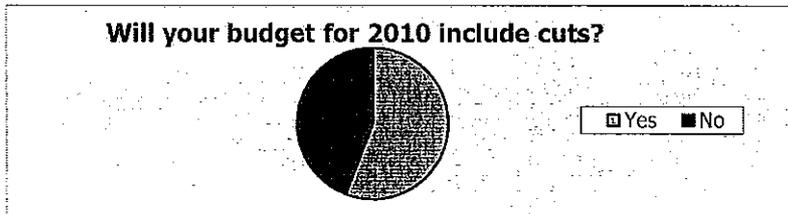
**Enter the 2009 total dollar budget reduction for your court.**

Average Cut	Total Cut	Response Count
Cut \$ 103,737	\$ 5,083,093	49
<b>answered question</b>		<b>49</b>
<b>skipped question</b>		<b>55</b>

Number	cut \$	Number	cut \$
1	\$ 24,000	26	\$ 10,000
2	\$ 43,079	27	\$ 30,449
3	\$ 89,614	28	\$ 74,336
4	\$ 3,500	29	\$ 78,000
5	\$ 15,000	30	\$ 126,558
6	\$ 49,000	31	\$ 5,000
7	\$ 13,387	32	\$ 12,799
8	\$ 20,000	33	\$ 40,000
9	\$ 19,430	34	\$ 20,000
10	\$ 31,437	35	\$ 1,575,500
11	\$ 400,000	36	\$ 32,358
12	\$ 159,560	37	\$ 623,820
13	\$ 178,163	38	\$ 7,500
14	\$ 158,285	39	\$ 21,473
15	\$ 37,700	40	\$ 9,558
16	\$ 40,435	41	\$ 45,430
17	\$ 12,000	42	\$ 27,404
18	\$ 95,000	43	\$ 78,852
19	\$ 210,000	44	\$ 634
20	\$ 78,000	45	\$ 18,004
21	\$ 210,361	46	\$ 180,000
22	\$ 12,546	47	\$ 12,840
23	\$ 22,000	48	\$ 26,000
24	\$ 1,500	49	\$ 59,600
25	\$ 42,981	<b>Total</b>	<b>\$ 5,083,093</b>

**Will your budget for 2010 include cuts?**

Answer Options	Percent	Response Count
Yes	55.8%	58
No	44.2%	46
<b>Answered question</b>		<b>104</b>
<b>Skipped question</b>		<b>0</b>



**Amount your court is likely to absorb for calendar year 2010.**

Average of Estimated Cuts*	Total Estimated Cuts Reported	Estimated Cut Data Provided By
Cut \$ 82,708	\$ 3,391,048	41 courts
<b>answered question</b>		<b>58</b>
<b>skipped question</b>		<b>45</b>

Number	anticipated cut \$	Number	estimated cut \$
1	Unknown	30	\$ 108,000
2	\$ 55,000	31	\$ 18,900
3	Unknown	32	\$ 24,000
4	\$ 14,110	33	Unknown
5	\$ 39,000	34	Unknown
6	\$ 5,945	35	\$ 68,000
7	Unknown	36	\$ 22,092
8	\$ 133,584	37	Unknown
9	\$ 10,000	38	\$ 50,000
10	Unknown	39	\$ 83,827
11	\$ 4,502	40	\$ 13,000
12	Unknown	41	\$ 38,600
13	\$ 1,678	42	\$ 1,238,500
14	\$ 55,089	43	\$ 6,821
15	\$ 23,675	44	\$ 971
16	\$ 35,674	45	Unknown
17	\$ 200	46	\$ 360,340
18	\$ 79,774	47	\$ 18,873
19	\$ 16,000	48	\$ 17,000
20	\$ 133,574	49	Unknown
21	\$ 500	50	Unknown
22	\$ 37,700	51	Unknown
23	\$ 79,592	52	\$ 133,863
24	\$ 12,000	53	\$ 17,555
25	Unknown	54	Unknown
26	\$ 10,000	55	Unknown
27	Unknown	56	\$ 138,200
28	Unknown	57	\$ 108,609
29	\$ 118,000	58	\$ 58,300
<b>TOTAL</b>			<b>\$ 3,391,048</b>

\*Courts with "unknown" budget cuts are not factored into the average cut calculation.