

Legislature won't let state Supreme Court chief justice give State of the Judiciary speech

By Brad Shannon and Jordan Schrader
Staff writers
The Olympian
December 29, 2014



Washington Supreme Court Justice Barbara Madsen

COURTESY OF WASHINGTON COURTS

Chief Justice Barbara Madsen of the Washington state Supreme Court won't be giving her State of the Judiciary speech next month to the Legislature.

Lawmakers have decided to not set aside time for the address, a move that could easily be seen as a slap at the court for its finding the Legislature in contempt this year in a landmark school funding case.

That's not the reason, legislators say. They cite poor attendance at past addresses from the court and the number of other joint sessions that the legislative calendar has to accommodate as reasons for not extending an invitation this time.

Madsen expressed disappointment but said she will still give her report in writing.

“The State of the Judiciary address has been a tradition in Washington state for several decades now. It has served as a positive tool to inform the Legislature and the public about the state of Washington’s justice system,” Madsen said in a written statement to The Olympian and The News Tribune. “I hope that, in the future, the Supreme Court will again be invited to make this important presentation.”

The two branches of government have been at odds since the court ruled in 2012 that the Legislature was failing to meet the state’s paramount constitutional duty: to fully fund basic education. One major sticking point in school funding is the state’s growing reliance on local levies, which are supported unequally by different districts’ voters.

The Republican-dominated Senate and Democrat-controlled House agreed in 2013-14 to boost state funding for K-12 schools by more than \$1 billion in areas that were responsive to the court’s findings.

But after lawmakers failed to come up with a court-ordered education funding plan earlier this year, the court found lawmakers in contempt. Justices said they would hold back sanctions until after the 2015 session is adjourned.

The tradition of a joint Senate and House session with the top judge speaking every other year is two decades old. Typically, chief justices use the address to highlight gains and shortcomings in court services and funding. For example, several speeches outlined the need for legal aid and courtroom interpreters. One called for an increase in pay to jurors.

During a discussion of the issue last month, members of the Senate Facilities and Operations Committee had concerns about everything from poor attendance to the issue of out-of-court, or ex parte, communications between the branches of government at a time they are embroiled in a legal dispute.

“To be honest with you, most people think it’s a horrible waste of time. Most members don’t get much out of it. Most members don’t even bother attending,” said Sen. Don Benton, R-Vancouver, who was serving as chairman of the facilities committee during the discussion. He added that he’d like to see the court’s report in writing.

Senate Democratic Leader Sharon Nelson of Maury Island raised one concern. “The only question I would have is, will it look like a conflict that we are trying to create with the Supreme Court?” Nelson asked.

In the end, no one objected to skipping the speech in 2015.

House leadership later came to a similar conclusion, in part because it was concerned that some members upset with the court might use the vote required to schedule the joint session as an opportunity to take aim.

“I think there was some fear there would be a debate that could inflame the situation,” explained House Majority Leader Pat Sullivan, D-Covington.

Not wanting to convey a slap at the court, Sullivan said he met directly with Madsen during the week before Christmas. “I made clear we have no interest in legislation that is meant to punish the courts or hold them in any disregard,” he said.

Brad Shannon: 360-753-1688 bshannon@theolympian.com
[@BradShannon2](http://theolympian.com/politicsblog)