September 24, 2020

The Honorable Debra Stephens
Chief Justice, Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

[Sent via email to supreme@courts.wa.gov]

Re: Comments on proposed amendments to MPR 2.1, JuCR 9.2, CrRLJ 3.1, CrR 3.1, GR 29, and JISCR 13

Dear Justice Stephens:

Thank you for allowing us to comment on your proposed rule amendments.

The Washington State Association of Counties (WSAC) is not opposed to civil commitment cases being subject to caseload standards as proposed in MPR 2.1, JuCR 9.2, CrRLJ 3.1, and CrR 3.1. However, we are concerned with the financial strain this will put on counties, made even worse during a pandemic. If you recall, when the Court initially established caseload standards, county costs skyrocketed, and there was no coinciding funding source to help defray those costs. The average county public safety costs make up approximately 75 percent of a county's budget, including public defense costs. These costs continue to increase due to both population and inflation, yet county revenues do not increase accordingly. County costs related to public defense have increased by 50% since 2008. In 2018, it cost counties $162 million for public defense costs alone. If the Court continues to implement caseload standards, as it suggests with these changes, without a revenue source to pay for these new costs, counties will be forced to cut even more public health and safety services from their budgets. This is not a sustainable plan of action.

WSAC is opposed to the portion of the proposed language in JISCR 13 that allows for sanctions on the Administrative Office of the Courts, a court's presiding judge, or its court administrator. Our comments mirror those in the comprehensive letter provided by the Kitsap County District Court judges with the addition that this amendment could have a significant impact on county budgets. (See discussion above on the financial constraints counties struggle with concerning public safety budgets.)

The amendment to GR 29 appears to extend to part-time district and superior court commissioners. The only limit to the employment contracts on municipal courts is the references to RCW 3.50.050 and .080. There is nothing within the introductory section of the newly proposed subsection (k) or current GR 29 that would render the proposal inapplicable to

part-time district court commissioners and/or superior court commissioners—especially because the GR's do not include a definition of the term "judicial officer." The proposed rule prohibits terminating a part-time judge based on financial hardship of the county or city, a decrease in caseload, lack of need, or a merger between a district court and a municipal court. Limiting a local government's ability to terminate a part-time judge based on, for example, lack of need seems like a waste of public resources when counties face increasing costs without revenues to pay for those costs.

Thank you for your consideration.

Respectfully submitted,

/s/ Signed Electronically
Juliana Roe, Policy Director
Washington State Association of Counties

Cc: Hon. Charles Johnson
         Hon. Barbara A. Madsen
         Hon. Susan Owens
         Hon. Steven C. González
         Hon. Sheryl Gordon McCloud
         Hon. Mary I. Yu
         Hon. Raquel Montoya-Lewis
         Hon. G. Helen Whitener

From: Juliana Roe [mailto:jroe@wsac.org]
Sent: Friday, September 25, 2020 12:35 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Rule Changes

Please find attached the Washington State Association of Counties' comments on proposed court rule amendments.

Thank you,

Juliana

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Disclaimer: Documents and correspondence are available under state law. This e-mail may be disclosable to a third-party requestor.